



SUPPLEMENTARY

SUPPORTING ASSESSMENT

INFORMATION

**CITY PLANNING
COMMITTEE MEETING
(OPEN PORTION OF THE MEETING)**

**MONDAY 4 JULY 2016
AT 5.00 P.M.**

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SUPPORTING ASSESSMENT INFORMATION
CPC (OPEN PORTION OF THE MEETING)
4/7/2016

6. COMMITTEE ACTING AS PLANNING AUTHORITY

6.1 APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015

6.1.4 15-17 LIVERPOOL STREET, 61 BROOKER AVENUE, 71 BROOKER AVENUE, CT 160498/2, BROOKER AVENUE ROAD RESERVATION, BATHURST STREET ROAD RESERVATION, HOBART – SHARED USE BICYCLE AND PEDESTRIAN BRIDGE – PLN 16-00386-01 – FILE REF: 30-1-59

36x's

Attached are copies of reports and other additional information that support the content of the Officer's report contained in the agenda, referred at this item.



PLN-16-00386-01
Application Number

DEVELOPMENT APPRAISAL

ENVIRONMENTAL DEVELOPMENT PLANNER ASSESSMENT

Site Address: **Brooker Avenue, HOBART**
 Proposed Development: **Pedestrian Bridge**
 Codes Applying: **Landslide**
 Appraisal Planner: **Richard Bacon**

Code Application:

Code	Applies?	Exempt?	Permitted?	Discretionary?
E1.0 Bushfire-Prone Areas	No			
E3.0 Landslide	Yes	No	No	Yes
E9.0 Attenuation	No			
E10.0 Biodiversity	No			
E11.0 Waterway & Coastal	No			
E15.0 Inundation Prone Areas	No			
E16.0 Coastal Erosion	No			
E18.0 Wind & Solar Energy	No			
E20.0 Acid Sulfate Soils	No		N/A	

Assessment:

Approval is sought to develop a pedestrian and bicycle bridge across the Brooker Avenue near the Fountain Roundabout, Hobart.

Landslide Code

The Landslide Code is applicable because 'major works' are proposed within a landslide hazard area. For this development, the 'major works' constitute excavation of more than 100m³ (estimated at 200-250m³).

The landslide hazard area is a 'medium' landslide hazard area identified due to the modelled risk of rockfall from a steep embankment on the northern side of the highway (refer to Figure 1 below).



Figure 1: Landslide hazard area

The relevant Code standards are in section E3.7.3 'Major Works'. There is no acceptable solution. The performance criterion states *'major works must satisfy all of the following:*

- (a) no part of the works is in a High Landslide Hazard Area;*
- (b) the landslide risk associated with the works is either:*
 - (i) acceptable risk; or*
 - (ii) capable of feasible and effective treatment through hazard management measures, so as to be tolerable risk'.*

No part of the proposed works would be located within a high landslide hazard area.

Advice from an accredited geotechnical engineer was submitted with the application with regard to rockfall risk. The statement included the following observations:

- *A brick retaining wall exists at the site and showed no obvious signs of deformation.*
- *A sloping garden bed exists above the wall with no outcropping rock observed (dolerite).*
- *Dolerite exists at relatively shallow depths based on BH3.*
- *Neither the large established trees or the existing slope show any signs of instability or creep.*
- *The recommendations in our report are based on any pad or spread footings being greater than 5m away from the existing wall to prevent additional loading.*

- *Any footings in close proximity to the wall should be bored piles which will penetrate into competent rock below the existing road level.*

Based on these observations, and the findings of a general geotechnical investigation also submitted with the application, the author of the statement concludes:

I have reviewed DPIPWE's LISTmap services and it appears that the Domain abutment is partially mapped as a "Medium" rockfall susceptibility (landslide) zone. This high-level mapping is undertaken based on the mapped geology and contours and are utilised as a planning tool to ensure that the appropriate assessments are carried out.

We consider that the pedestrian bridge site presents as a Low risk of landslide (rockfall). Care should be taken when developing safe work methods prior to (and during) construction to maintain the slope/wall stability during construction. Appropriate traffic management/barriers erected to close the nearest lane would minimise the consequence of any rockfalls during construction activities.

'Acceptable risk' is defined under the Code as 'a risk society is prepared to accept as it is. That is; without management or treatment'. The AGS landslide assessment guidelines identify that 'low' risk under the qualitative assessment method is 'usually acceptable to regulators'.

It is therefore considered that the risk presented by the mapped landslide hazard area is acceptable, particularly given that mitigation measures have been recommended to reduce the risk further. A condition is recommended requiring the recommended mitigation measures to be implemented.

Recommended Conditions:

The landslide risk mitigation measures recommended in the letter from Terroir Pty Ltd dated 16 May 2016 must be implemented during the works.

Reason for condition

To reduce the risk to life and property, and the cost to the community, caused by landslides

Recommended Advice:

N/A

DEVELOPMENT ENGINEERING REPORT

(document2)

APPLICATION NUMBER: PLN-16-00386-01

DATE: 27 June 2016

ADDRESS: 15-17 Liverpool Street, 61 Brooker Avenue, 71 Brooker Avenue, CT 160498/2, Brooker Avenue Road Reservation, Bathurst Street Road Reservation

TO PLANNER: Tim Nichols (ireneinc PLANNING & URBAN DESIGN) and Richard Bacon

DEVELOPMENT: Shared Use Bicycle & Pedestrian Bridge



COMMENTS

DE has no objection for the proposal; however, due to the scope of the proposal, the application has been referred to the Council's Manager Road & Environmental Engineering, Manager Traffic Engineering and Manager Surveying Services. The delegated officers' responses, including recommendations are inserted below:

Environmental Engineering:

"Park St Rivulet is 4.6- 5.2m deep, and is a sandstone arch culvert equivalent to a DN1800 under Bathurst St, DN1800 RCP under the proposed steps. Park Street Rivulet is considered high criticality infrastructure which is currently under capacity. As such, the usual 1m clearances do not apply. Sufficient clearance will be required to allow for future upgrade.

The bridge itself will cross Park St Rivulet, however main footing is ~5m clear and over 6m vertical clearance. Bridge will also cross DN450 and DN300, again with large vertical clearances.

The stairs will however end directly over the Rivulet. They will be non-load bearing, cantilevered from the first landing. This landing is within one metre of the external wall, and approx 1.4m above NSL. Scaling from the sections suggests the landing is 1.1m clear, and

the piers 1.7m – however the section is notated that the piers will be **minimum 1m** clear. It would be preferable if these were demountable. These are within a flood zone. Scaling from the plan however gives larger setbacks again.

LGAT easement widths would require a 6m wide easement for a DN1800, and a greater easement for a main at this depth. The most likely upgrade would be running a parallel main.

The structure will be drained via new connections and new mains. The drainage will largely be within the road reserve, however some sections will be in the Rose Garden (Council land) and Domain (third-party land). The indicative design is not suitable for construction of public infrastructure (bends without access, too many cnxns etc). It should be clear what will be public infrastructure, and what will be Parks private infrastructure. Drainage works outside the road reserve should be minimised.

It is unclear who will carry out the works, so conditions requiring construction management plans etc are required. However Council's MREEU has confirmed that as a Council owned project, no bond or Part 5 are required."

The following conditions to be included;

- ENG 1
- ENG 2
- ENGsw1
- ENGsw3
- ENGsw4
- ENGsw5
- ENGsw 7/8

Road Engineering:

"Please find below standard conditions and advice for this permit, Manager of Traffic Engineering will need to condition for the findings in the TIA"

- ENG1
- ENGr1

Manager - Traffic Engineering:

"I have reviewed the plans provided and provide the following comments:

- The lane widths in Bathurst Street should be provided in accordance with drawing 32-17723-SK008 (attached to an email from Scott Balmforth, dated 19/5/2016 by way of further information). Generally, the lane adjacent to the bridge structure and concrete barrier should be 3.45 (or greater) to allow for any "roll slope" impacts resulting from road crossfall and to counter any "shy line" drivers may experience when driving close to a solid barrier. The remaining two lanes should be a minimum 3.0m wide, with the kerbside lane measured from the lip of kerb (rather than the face of kerb).
- During the construction of this bridge there will be need for good traffic management to ensure a safe worksite and to minimise impacts on the travelling public. This is particularly important on the Brooker Avenue which is the main

arterial route into Hobart from the north. Bathurst Street is also an important route connecting the city centre to the northern and eastern suburbs. A construction traffic management plan will need to be provided, demonstrating the extent of the worksite and the impacts on the traffic network required in order to construct the bridge.

- There will be permanent traffic management changes required in Bathurst Street in order to accommodate the new bridge structure. ADVICE: Approval for the new traffic management arrangements in Bathurst Street (i.e. the signage and linemarking plan, including changes to kerbside parking controls) will need to be submitted to the Manager Traffic Engineering for approval.
- I note that the bridge will be providing a shared use pathway for pedestrians and cyclists to connect between the Queens Domain and the city centre. There will need to be traffic control signage and other infrastructure implemented on the bridge in order to minimise any conflict between cyclists and pedestrians and also to ensure cyclists do not unintentionally ride down any stairways. ADVICE: Approval for the new traffic management arrangements to manage pedestrians and cyclists on the new bridge (the signage and linemarking plan) will need to be submitted to the Manager Traffic Engineering for approval.
- I have spoken with the applicant previously about the need to “future proof” this project and to ensure we are not precluding any future traffic growth on Bathurst Street. A report went to the City Infrastructure Committee in February 2016 (and subsequently on to Council) that recommended that:
 - o 19.4. That the Council initiate formal negotiations with;
 - 19.4.1. the State Government to enable the Council to acquire land for the purposes of future road widening over part of 19 Bathurst Street in accordance with Attachment B; and
 - 19.4.2. the University of Tasmania for public access rights over the new footpaths and bridge structure proposed to be located on the Domain House Campus site.

It is understood that Council are to make a further decision on the outcomes of these negotiations prior to finalising the tender documentation for construction of the bridge. so no further advice or condition is required in relation to this on the planning permit.

~~I have reviewed the sight distance at the existing driveway access into the Menzies Building underneath the new bridge structure.~~

~~I have used the sight distance requirements as set out in Figure 3.2 in AS2890.1:2004. Noting that the desirable sight distance is not available and this driveway is not a domestic property access, the minimum sight distance required for a 40km/h traffic speed is 35m. The available sight distance at the driveway is only 10.5m (which is suitable for an approach speed of less than 20km/h). It is clear that the structure will severely impact on the minimum sight distance required for a vehicle exiting the driveway. If the structure is built (with the column position as shown on drawing SK008 of May 2016) then a vehicle exiting from the driveway onto Bathurst Street will not be able to pick suitable gaps in the oncoming traffic – particularly traffic in the nearest lane, as this will be obscured by the column and potentially by the road safety barrier and “ramp” section of the bridge.~~

~~The photo montage provided in the original plans (received 22 April 2016) includes a view down Bathurst Street that clearly illustrates the limited sight distance from the driveway.~~

~~Adequate sight distance (for a 40km/h approach speed on Bathurst St) would be required as a minimum for this access driveway. The column on the southern side of the driveway would need to be relocated (away from the face of kerb), removed or reconfigured to~~

~~ensure this sight distance is provided. The sight distance is to be measured in accordance with Figure 3.2 of AS2890.1:2004, with heights as per Note 7 of that figure.~~

~~Approach Sight Distance and Stopping Sight Distance (for a vehicle travelling along Bathurst Street) is available and is unimpacted by the proposed structure."~~

The following conditions to be included;

- ENGtr2
- ~~ENGtrop~~

Manager - Surveying Services:

"It's my understanding that establishing public/council access rights through the portion of the development within 71 Brooker Avenue (the University title) will not be addressed by the planning permit. Therefore establishing public access rights to facilitate public use will remain a Council landlord issue to be addressed by council outside the planning process. Therefore I have no specific conditions for the PLN-16-00386."

Development Engineering:

In a Council related engineering context, the proposal can be supported in principle subject to the following condition(s) and advice:

TasWater:

Refer to Submission to Planning Authority Notice, TW DA 2016/00479-HCC, (26/04/2016).

CONDITIONS

- ENV1 Sediment and erosion control measures sufficient to prevent sediment from leaving the site must be installed prior to any disturbance of the site. Sediment controls must be maintained until all areas of disturbance have been stabilized or re vegetated.

Advice: For further guidance in preparing a Soil and Water Management Plans (SWMP) – in accordance with Fact sheet 3 Derwent Estuary Program go to www.hobartcity.com.au development engineering standards and guidelines

Reason for condition:

To avoid the sedimentation of roads, drains, natural watercourses, Council land that could be caused by erosion and runoff from the development, and to comply with relevant State legislation.

- ENG1 The cost of repair of any damage to the Council infrastructure resulting from the implementation of this permit, must be met by the owners within 30 days of the completion of the development or as otherwise determined by the Council (whichever occurs first). Any damage must be reported immediately to Council.

A photographic record of the Council infrastructure adjacent to the subject site must be provided to the Council prior to any commencement of works.

A photographic record of the Council's infrastructure (e.g. existing property service connection points, roads, buildings, stormwater, footpaths, driveway crossovers and nature strips, including if any, pre existing damage) will be relied upon to establish the extent of damage caused to the Council's infrastructure during construction. In the event that the owner/developer fails to provide to the Council a photographic record of the Council's infrastructure, then any damage to the Council infrastructure found on completion of works will be deemed to be the responsibility of the owner.

Reason for condition:

To ensure that any of the Council infrastructure and/or site-related service connections affected by the proposal will be altered and/or reinstated at the owner's full cost.

- ENGsw The cost of any alterations to the Council's or third-party infrastructure incurred as a result of the proposed development works must be met by the owner.

Reason for condition

To ensure that any of the Council infrastructure and/or site-related service connections affected by the proposal will be altered and/or reinstated at the owner's full cost.

- ENDsw1 The Council's stormwater infrastructure within five metres of the proposed works must be protected from damage during the construction of the development.

Digital copies of a pre and post construction work CCTV video and associated report(s) of the Council stormwater infrastructure within five metres of the works must be submitted to Council:

- a. prior to the commencement of work, and
- b. after completion of all work but prior to the issue of any Certificate of Completion.

The pre and post construction work CCTV will be relied upon to establish the extent of damage caused to the Council's infrastructure during construction. In the event that the developer fails to provide to the Council a pre construction works CCTV video of the Council's infrastructure, then any damage to the Council infrastructure identified in the post construction CCTV will be deemed to be the responsibility of the owner.

Advice: Due to the diameter of the main, a tractor camera will be required to obtain adequately clear footage.

Reason for condition

To ensure that any of the Council infrastructure and/or site-related service connections affected by the proposal will be altered and/or reinstated at the owner's full cost

- ENGsw3 The proposed works (including footings and overhangs) must be designed to ensure the long term protection of and access to the Council's stormwater infrastructure.

A detailed design certified by a suitably qualified engineer must be submitted and approved prior to issue of any consent under the Building Act 2000. The detailed design must:

- Demonstrate that no additional loads are imposed on the stormwater main
- Demonstrate that the structure is entirely independent of the main and its trenching
- Demonstrate how adequate access to the main is maintained for both maintenance and future capacity upgrade works.
- Include cross-sections which clearly state minimum separation
- Include certification by a suitably qualified engineer that the works do not impose any loads on the stormwater main and the structure is entirely independent of the main and its trenching

Prior to issue of any Certificate of Completion a suitably qualified engineer must confirm the installation of the works within five metres of Council's stormwater main is in accordance with the approved drawings and complies with this condition. Should any remediation works be required, these must be carried out at the developer's cost.

All work required by this condition must be undertaken in accordance with the approved design.

Advice: Once the detailed design drawings has been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement)

In this case, Council will accept a minimum separation of 3m from footings on the western side of Park St Rivulet, with any works within this zone to be demountable.

Reason for condition

To ensure the protection of the Council's hydraulic infrastructure.

ENGsw4 Council stormwater infrastructure must be carefully and accurately located onsite, and marked on the ground.

Prior to construction of the footings, the stormwater pipe and clearance must be inspected and confirmed by the Council's Project and Development Inspector to ensure the minimum separation is achieved.

The Council's Project and Development Inspector, must be contacted on phone (03) 6238 2967 at least 24 hours prior to the commencement of any works.

Reason for condition

To ensure the protection of the Council's hydraulic infrastructure.

ENGsw5 Construction of the works must not adversely impact Park St Rivulet. A Construction Management Infrastructure Protection Report must be submitted and approved prior to commencement of works. The report must:

- be prepared by a suitably qualified and experienced engineer
- detail the proposed construction methodology and identify all potential risks to the Rivulet during construction including but not limited to construction loading, excavation works, footing construction, vibrations, undermining, flood, and environmental harm
- provide treatment measures to eliminate or otherwise mitigate to as low as reasonably practicable all identified risks
- include a monitoring regime

All work required by this condition must be undertaken in accordance with the approved report.

Reason for condition

To ensure the protection of the Council's hydraulic infrastructure.

ENGsw7/8 The development must be drained to Council infrastructure. Any new public stormwater infrastructure required, including connections, must be constructed prior to issue of a Certificate of Completion.

Detailed design drawings showing both existing and proposed services must be submitted and approved, prior to issue of any consent under the Building Act 2000. The detailed design drawings must include:

- the title boundaries, with each Lot serviced separately by Council infrastructure and all private plumbing contained within each Lot;
- the location, size and design of the connection(s)
- long-sections of the proposed infrastructure clearly showing any nearby services, cover, size, material, access points (including safe working space); gradients;
- The public piped stormwater infrastructure must be sized to accommodate at least the 5% AEP flows from the catchment.
- Clearly distinguish between public and private infrastructure, and the ownership of any private plumbing
- Be checked and certified by a qualified and experienced engineer

All work required by this condition must be undertaken in accordance with the approved detailed design drawings.

Advice: Once the detailed design drawings have been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement)

Please note that once the condition endorsement has been issued you will need to contact Council's City Infrastructure Division to initiate an application for service connection.

The construction of public infrastructure will require a Permit to Construct Public Infrastructure.

Reason for condition

To ensure the site is drained adequately

ENGGr1 The proposed bridge and associated infrastructure within the highway reservation must not undermine the stability and integrity of the highway reservation and its infrastructure.

Detailed design drawings and structural certificates of the bridge and associated infrastructure within the Brooker Avenue and Bathurst Street highway reservation must be submitted and approved, prior to the commencement of work and must:

- Be prepared and certified by a suitable qualified person and experienced engineer
- Demonstrate that the bridge will not undermine the stability of the highway reservation
- Take into account and reference accordingly any geotechnical findings
- Show the location of existing and proposed services and infrastructure

- Include a lighting design in accordance with AS 1158 standards
- Show any changes to traffic lanes and parking in detail
- Show the construction of any new footpath in accordance with the (IPWEA) LGAT –Tasmanian Standard Drawings
- Include design and certification of any pedestrian and vehicle barriers in accordance with the Department of State Growth Specifications Guidelines and procedures, Australian/New Zealand Standard AS / NZS 1170.1 and/or the (IPWEA) LGAT –Tasmanian Standard Drawings
- Be in accordance with the Department of State Growth Specifications and all other relevant Standards, Guidelines and procedures
- Include a safe design of structures assessment in accordance with the Safe Design of Structures Code of Practice (as adopted under section 274 of the Work Health and Safety Act 2012) and supply to the Council any documentation from the norm for the ongoing maintenance and replacement of any structures within the Highway Reservation.

All work required by this condition must be undertaken in accordance with the approved design drawing and structural certificates.

Once the works have been completed, the as constructed drawings must be submitted to the Council.

Advice: Once the design drawing has been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement)

Reason for condition

To ensure that the stability and-integrity of the Council's highway reservation is not compromised by the development

ENGtr2 A construction traffic and parking management plan must be implemented prior to the commencement of work on the site (including demolition)

The construction traffic (including cars, public transport vehicles, service vehicles, pedestrians and cyclists) and parking management plan must be submitted and approved, prior to commencement work. The construction traffic and parking management plan must

- a) Be prepared by a suitably qualified person, by the Council.
- b) Develop a communications plan to advise the wider community of the traffic and parking impacts during construction.
- c) Include a start date and finish dates of various stages of works.
- d) Include times that trucks and other traffic associated with the works will be allowed to operate.
- e) Nominate a superintendant or like to advise the Council of the progress of works in relation to the traffic and parking management with regular meetings during the works.

All work required by this condition must be undertaken in accordance with the approved construction traffic and parking management plan.

Advice: Once the construction traffic and parking management plan has been approved Council will issue a condition endorsement (see general advice on how to obtain condition endorsement)

Reason for condition

To ensure the safety of vehicles entering and leaving the development and the safety and access around the development site for the general public and adjacent businesses.

~~ENGtrsp Adequate sight distance must be maintained for the existing driveway access located underneath the new bridge structure on the Bathurst Street frontage of the Menzies Institute site.~~

~~Detailed design drawings showing adequate sight distance (for a 40km/h approach speed on Bathurst Street) must be submitted and approved, prior to issue of any consent under the Building Act 2000. The design drawings must:~~

- ~~• Show an amended bridge design that satisfies the above requirements.~~

~~All work required by this condition must be undertaken in accordance with the approved design drawings.~~

~~Advice: The column on the southern side of the driveway would need to be relocated (away from the face of korb), removed or reconfigured to ensure this sight distance is provided. The sight distance is to be measured in accordance with Figure 3.2 of AS2890.1:2004, with heights as per Note 7 of that figure.~~

~~Reason for condition~~

~~To ensure that adequate sight distance is available at the existing Menzies Institute driveway access and is unimpacted by the proposed structure.~~

ADVICE

The following advice is provided to you to assist in the implementation of the planning permit that has been issued subject to the conditions above. The advice is not exhaustive and you must inform yourself of any other legislation, by-laws, regulations, codes or standards that will apply to your development under which you may need to obtain an approval. Visit www.hobartcity.com.au for further information.

Prior to any commencement of work on the site or commencement of use the following additional permits/approval may be required from the Hobart City

- If a condition endorsement is required by a planning condition above, please forward documentation required to satisfy the condition to rfi-information@hobartcity.com.au, clearly identifying the planning permit number, address and the condition to which the documentation relates.

Once approved, the Council will respond to you via email that the condition/s has been endorsed (satisfied). Detailed instructions can be found at [www.hobartcity.com.au/Development/Planning/How to obtain a condition endorsement](http://www.hobartcity.com.au/Development/Planning/How_to_obtain_a_condition_endorsement)

- Building permit in accordance with the *Building Act 2000*;
<http://www.hobartcity.com.au/Development/Building>
- Plumbing permit under the *Tasmanian Plumbing Regulations 2014*;
<http://www.hobartcity.com.au/Development/Plumbing>
- Permit for the occupation of the public highway for construction e.g. placement of crane, scissor lift etc)
[http://www.hobartcity.com.au/Transport/Permits/Construction Activities Special Events in the Road Reservation](http://www.hobartcity.com.au/Transport/Permits/Construction_Activities_Special_Events_in_the_Road_Reservation)
- Permit to Open Up and Temporarily Occupy a Highway (for work in the road reserve)
[http://www.hobartcity.com.au/Transport/Lighting Roads Footpaths and Street Cleaning/Roads and Footpaths](http://www.hobartcity.com.au/Transport/Lighting_Roads_Footpaths_and_Street_Cleaning/Roads_and_Footpaths)
- Temporary parking permits for construction vehicles i.e. residential or meter parking/loading zones.
[http://www.hobartcity.com.au/Transport/Permits/Parking Permits](http://www.hobartcity.com.au/Transport/Permits/Parking_Permits)
- Any damage to council's infrastructure must be reported to Council's compliance area. Please note the developer is liable for any damage to property or person due to unsafe and/or damaged infrastructure within or supporting the highway reservation and the developer should review their insurance.
- Please note development must be in accordance with the Hobart City Council's Highways By-law
<http://www.hobartcity.com.au/Council/Legislation>
- Fees and charges
[http://www.hobartcity.com.au/Council/Fees and Charges](http://www.hobartcity.com.au/Council/Fees_and_Charges)
- Dial before you dig
www.dialbeforeyoudig.com.au

If you do not have access to the Council's electronic web page, please phone the Council (City Planning) on 62382715 for assistance.

Stefan Gebka
DEVELOPMENT ENGINEERING OFFICER

praxisenvironment

heritage

planning

archaeology

po box 338
north hobart
tasmania 7002

0418 303 184
info@prax.com.au

**Historic Heritage Appraisal
Hobart City Council Development
Application PLN-16-00386-01**

Brooker Pedestrian Bridge
71 Brooker Highway
HOBART

Brad Williams
Heritage Consultant

For IreneInc (Hobart)
On behalf of Hobart City Council (as Planning Authority)

June 2016

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This document was written by Brad Williams (BA.Hons Archaeology, G.Dip Maritime Archaeology, MA Cultural Heritage Management)

Historical Archaeologist, Heritage Consultant and Director of Praxis Environment. The author has been a practicing historic heritage practitioner in Tasmania (and elsewhere) for 10 years, having extensive experience in local and state government heritage appraisals, private development and having been a member of the Tasmanian Heritage Council for 5 years and a member of the Tasmanian Heritage Council's Works Application Assessment Committee for 7 years.

Unless otherwise stated, all photographs were taken by Brad Williams, June 2016

Unless otherwise stated, the north point (or approximate) of maps and plans is to the top of the page.

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1. The proposal and supporting documentation:

As per the documentation comprising Development Application PLN-00386-01, received by Hobart City Council on the 11th of April 2016, including the following documentation (of relevance to the heritage assessment):

- ICAP – AP07 Improved Access from the City Across Brooker Avenue to Domain, Development Application Report (Terrior), 11/4/2016.
- Brooker Bridge – Design Summary (author assumed to be Terrior), undated.
- Brooker Pedestrian Bridge Planning Report (AllUrban Planning), November 2015.
- Brooker Overpass Land Tenure (Hobart City Council) – additional information dated 13/4/16.
- Statement of Historical Archaeological Significance for the Brooker Highway Pedestrian Bridge, Hobart. Parry Kostoglou, Darren Watton.
- 71 Brooker Avenue Arborist Impact Assessment, Memorandum from Jerry Romanski to George Wilkie, 27/11/2015.

the proposal involves the construction of a pedestrian link and cycleway across the Brooker Highway, Hobart, between the southern footpath of Bathurst Street (adjacent to the Bathurst Street frontage of the University of Tasmania MS2 building, part of 15-17 Liverpool Street) to the edge of the UTAS Domain House campus and University Rose Gardens 71 & 61 Brooker Highway respectively).

In brief, the proposal involves the following:

- Construction of an improved, safe and universally accessible pedestrian and cyclist high level crossing over the Brooker Highway with a minimum of 5.5 metre clearance from the road surface and a clear width of 3.0 metres on the bridge. The bridge will:
 - Have a body length of around 60 metres (with a clear-span of 50 metres), with ramps leading from three directions, with each ramp ranging from 20-44 metres as well as two flights of steps. The total bridge deck area is 1040m².
 - Have 3.0-metre-high balustrades (non-climbable), above the decking tapering to 1.4 metres upon approaching landing.
 - Be lit in accordance with AS 4282.
 - Be clad in a recessive anodised grey metal with a 62% openness rating intended to not dominate surroundings. The decking will be concrete and internal cladding will be green.

- Have vantage points/extrusions which are aimed at framing near heritage places, including Domain House, the University Rose Garden, former Electrical Engineering building and the Railway Roundabout.

These extrusions also provide some articulation to the shape of the bridge.

- Installation of a traffic barrier along the Bathurst Street landing of the bridge.
- Some reconfiguration of the Bathurst Street footpath (widening via removal of some on-street parking)
- Some new landscaping to the Domain embankment with mass planting for bank stabilisation.
- Minor ground grading, minor soft landscaping modification (and post-works reinstatement) and new bitumen paths to the Domain side (to marry-in with existing path network).
- New fencing on the Domain side to match existing weldmesh fencing.

2. Assessment framework - Heritage provisions of the Hobart Interim Planning

Scheme 2015:

The brief for the current report is to assess the proposal against the relevant historic heritage provisions of the Hobart Interim Planning Scheme 2015 (the *Scheme*). As the proposal affects several titles (as well as road reservation) The following Clauses (as per Table 1) are applicable to the statutory consideration of historic heritage on the sites affected by the proposed development and forms the framework of this assessment:

Table 1 - Heritage listing status of sites affected and applicable Historic Heritage Code (E.13) Clauses

Title	Site	Portion of development	Listing status	Applicable relevant ¹ exemptions (Clause E.13.4)	Applicable Development Standards ²
163523/1	Former High School/ University of Tasmania (including Domain House) (71 Brooker)	Domain House landing ramp. Ground grading, paths.	Table E.13.1 (Heritage Places) – Place 432. Map E.13.3 (Heritage Precincts) Heritage Precinct G1. Map E.13.2 (Cultural Landscapes) Queens Domain Cultural Landscape.	E.13.4(j)(i). Retaining walls, set back more than 1.5m from a boundary, and which retain a difference in ground level of less than 1m; E.13.4(k)(i). the landscaping and the management of vegetation: b. within a garden, national park, public park or state- reserved land, provided the vegetation is not protected by permit condition, an agreement made under Part 5 of the Act, covenant or other legislation;	E.13.7.2 E.13.8.2 E.13.9.2
157663/1000	University Rose gardens (61 Brooker)	Rose garden landing, overhanging extrusion, paths, ground grading, concrete retaining wall with in-built seating.	Map E.13.3 (Heritage Precincts) Heritage Precinct G1. Map E.13.2 (Cultural Landscapes) Queens Domain Cultural Landscape.		E.13.8.2 E.13.9.2
No C/T. Lands Office Plan 272/22.	Wedge shaped road reserve along southern edge of C/T 163523/1.	Ramp, extrusions, pillars. Bitumen paving, reestablishment of soft landscaping.			
No C/T.	Footpath/road, Bathurst Street, adjacent to MS2.	First section of ramp on Bathurst Street end.	Table E.13.4 (Places of Archaeological Potential).	N/A. ³	E.13.10.1

¹ References to exemptions not relevant, or not applicable to the proposed development have not been listed here.

² Note that as no *demolition* or *subdivision* is proposed, those Development Standards have not been included here.

³ No archaeological assessment by a qualified historical archaeologist was provided with the application, therefore exemption E.13.4.1(z) is not applicable.

3. Representations:

As per the requirements of the *Land Use Planning and Approvals Act 1993*, the proposal was advertised for a two-week period.

One representation was received, which was supportive of the concept however made suggestions around an alternative location. Heritage was not a point raised in this representation.

4. Discussion of possible heritage impacts

This assessment of heritage impact follows the principles of the ICOMOS *Burra Charter*, which relies on an understanding of the significance of a place against which the impacts on that significance of any particular development can be measured. The available statements of significance for various listed places that may be impacted by the proposed development have been used here as a guide to measure possible impact.

The possible heritage impacts of the proposed development have been considered in terms of the following categories of impact:

Impact upon built heritage fabric:

The proposed development is approximately 15 metres from the nearest heritage building (in this case the Caretakers Cottage of Domain House) and is approximately 50 metres from Domain House itself and approximately 30 metres from the former High School/Electrical Trades building.

There are two advanced trees in the listed place (Domain House grounds) that the proposed development has the potential to impact. The application is accompanied by an Arborist Impact Assessment which considers the possible impact upon these trees (numbers 1 and 2 in that report – note that trees 3 and 4 of that report have no heritage controls). The Arborist Impact Assessment has concluded that the proposed development can be implemented with low-moderate impact upon those trees and with mitigation strategies these trees would remain viable.

It is concluded that the proposed development will not have any impact upon any significant built heritage fabric provided that the recommendations of the Arborist Impact Assessment are implemented in the works process.

Impact upon the wider townscape heritage precinct and cultural landscape area, significant views etc.

The assessment below considers the specific boundaries of the Heritage Precinct and Cultural Landscape area within which part of the proposal sits, namely the G1 Heritage Precinct and the Middle Queens Domain portion of the Queens Domain Cultural Landscape Precinct. The commentary below will consider any possible impact of the proposed development as a whole to that wider area, with the assessment below concentrating on those portions within those precincts (as controlled by the heritage provisions of the scheme) within the context of this wider area assessment. The application documentation provides useful and detailed photomontages which have assisted this assessment.

The location of the proposed development is right on the fringe of the heritage precinct and cultural landscape mentioned above, and only a portion of the proposed development actually sits within those very large areas. Given the small footprint of the proposed development within those areas, the physical impact of the proposed development is almost irrelevant, however possible wider viewscape impacts must be considered.

The proposed development is tucked at the very edge of the heritage and cultural landscape precincts, at almost the lowest topographic point of each. The level of the deck to some degree only gently exaggerates the gentle slope of the natural topography which was severed by the construction of the Brooker Highway - the gentle ramping of each end of the bridge that, particular on the Domain end, further accentuates this more natural form. The structure requires no major changes in ground level or the current topography of the site and environs.

The Domain end of the bridge is largely indiscernible from most nearby areas, and even where this is discernible (particularly from the University Rose Garden) this is buffered by existing soft landscaping (to be retained and supplemented by new) and the primary focus will not be the structure (i.e. will continue to be the heritage buildings and landscape features). The existing clearly modern buildings of the UTAS/Tafe complex provides a modern contextual backdrop to viewfields of the structure from the rose garden and near Domain House environs therefore the structure will merge into this modern townscape.

The structure will not be visible from ground level in the immediate environs of Domain House, owing to the topography and existing established soft landscaping and will barely be discernible from the former Electrical Engineering building – views to the structure from that location will be diverted by other more distant landscape features such as the city itself and the Derwent River.

The consideration of views to the structure from the wider Queens Domain (i.e. anything to the rear or far-side of Domain House and the rear of the former High School/electrical Engineering building) are irrelevant, as the structure simply cannot be seen from any wider environs than described above.

The structure will not be discernible in views to the Domain from most vantage points, including most of the University Rose Garden, the entire waterfront, North Hobart etc. The most obvious views of the structure will be when travelling along the Brooker Highway, which in either direction the structure will merely be a side-adjunct to the higher topography of the Domain and not interrupt any key viewfields. The structure will be discernible as an element in the foreground of the Domain from Bathurst Street, as a low-set 'ramp' leading to the lower reaches of Domain House (i.e. its functional intent). Views to the University Rose Garden are still available below the structure and the backdrop in this viewline is the modern aquatic centre building. The benefits from the functional work that the structure will do from this location far outweigh any conceivable visual impact upon the precinct.

It is considered that the proposed location is most suited to provide such a linkage, both from a practical perspective, but also from a location which provides that linkage with minimal (or no) impact upon other significant qualities yet close enough to key heritage places to provide the visual embrace of these places upon approach.

In summary, it is concluded that the proposed development has little or no impact upon any significant townscape, precinct or viewline values and that any conceivable impact is far outweighed by the benefits arising from the functional achievements of the proposed development.

Intangible heritage impacts:

Although not necessarily relevant to the statutory heritage impact assessment, the context of the proposed development has been considered within intangible heritage values, which may provide a wider framework in which to understand any possible heritage impacts (both positive and negative).

The proposed development offers an exciting opportunity to link the heritage areas and places of the northern side of the Brooker with the city to the south. This assessment concurs with the application documentation that these two areas have been largely divided on the human scale since the construction of the Brooker Highway superseded the former Park Street which ran along that route. In this particular area, the cut within which the Brooker sits acts to further accentuate the physical divide, with Domain House and the wider precinct perched above the near portions of the city and even more so as the city descends to Sullivans Cove and Macquarie Point. Despite the fact that historically the Domain (and former Government Paddocks) were always developed in a different way than the nearby city development, the Domain and environs has always been an iconic part of the city and embraced by the population as a place of recreation, competition, commemoration and relaxation – this has somewhat been severed by the Brooker Highway. The concept of any development which seeks to reinstate and promote the human-scale linkages between the Domain and city can only have a positive outcome in terms of the intangible value of encouraging the population of the city to embrace this area. The proposed bridge does this in a much

more meaningful way than a 'plain' and functionalist bridge, utilising extrusions at locations designed to take in key views and vistas and providing out of the way places for appreciating the values of the place.

The location of the proposed bridge acting to link the newer University of Tasmania (UTAS) campus in the city with Domain House is an important step in encouraging the ongoing use of Domain House as a University Campus – reinstating and encouraging the viable use of that place to which historic heritage significance is ascribed.

In summary, the proposed development will have has substantial positive heritage outcomes in terms of promoting intangible heritage values – namely consolidating the human-scale linkages between the Doman (and environs) and the city and encouraging the ongoing viable use of Domain House for a purpose to which heritage significance is ascribed.

Impact upon significant archaeological remains:

The application includes a Statement of Historical Archaeological Significance (Kostoglou & Watton) which has thoroughly assessed the archaeological potential of each end of the proposed bridge. The recommendations of the investigation of the likely archaeological potential of the subject site are provided in Section 9 of that report. The implementation of these recommendations in the works program is considered sufficient to manage any historical archaeology and aboriginal heritage values in the proposed development.

It is recommended that a condition of any approval be that the recommendations of the Kostoglou/Watton report be implemented and that a report on findings (even if no archaeological remains are found) be submitted to the planning authority within six months of the completion of works.

5. Assessment against planning scheme provisions:

The following Tables will assess the proposed development against the Performance Criteria of the relevant Clauses as identified in Table 1. Note that the proposed development as a whole cannot be assessed against these provisions, as most of the development footprint is outside the areas to which the Historic Heritage Code (E.13) applies (as defined in Clause E.13.4 – *Application*). The tables below therefore assess the specific portion of the proposed development within each affected area to which the Code applies. Note also that the elements of the proposed development which are considered exempt (namely landscaping and vegetation works) are not considered here.

As stated above, the Development Standards for Demolition and Subdivision are not considered here as the proposed development does not propose such. The assessment against the Performance Criteria is limited to that of Building and Works other than Demolition. The Performance Criteria are applied to all provisions of each respective Development Standard as it is considered that none of the Acceptable Solutions are met.

Clause E.13.7.2: Buildings and Works other than Demolition – Heritage Place (in reference to the elements on the title of Domain House/Caretakers Cottage and former High School/Electrical Trades buildings).

E.13.7.2 – Building and Works other than Demolition	<p><i>P1. Development must not result in any of the following:</i></p> <p><i>(a) loss of historic cultural heritage significance to the place through incompatible design, including in height, scale, bulk, form, fenestration, siting, materials, colours and finishes;</i></p> <p><i>(b) substantial diminution of the historic cultural heritage significance of the place through loss of significant streetscape elements including plants, trees, fences, walls, paths, outbuildings and other items that contribute to the significance of the place.</i></p>	<p>The portion of the proposed development which is within the Heritage Place has been designed to be as subservient as practicable to the wider place, which has largely naturally occurred due to the nature of the structure in this area (i.e. ramps and balustrades of diminishing height) and the natural topography of this part of the site – being the edge of an embankment.</p> <p>The materials have been chosen to be as transparent as practicable and the predominant colour is a recessive (and non-reflective) grey.</p> <p>The bridge in its entirety will be read from the heritage place as an extension to the backdropping highly modern UTAS Medical Precinct buildings and will be clearly read as a modern element which is advantageous in not confusing this new structure as being associated with the heritage place – but being a more functional (and perhaps ephemeral) new layer.</p>
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	<p>The proposed development will not result in any loss of significant fabric or elements of the heritage place – being distant from all heritage buildings (approximately 15 metres from the nearest heritage building - in this case the Caretakers Cottage of Domain House and is approximately 50 metres from Domain House itself and approximately 30 metres from the former High School/Electrical Trades building. The proposed development has also been designed to retain all significant plantings (i.e. mature trees) and to utilise these to buffer the structure within the existing landscape.</p> <p>The Arborist Impact Assessment has identified low-medium impact upon two advanced trees in the grounds of Domain House and has recommended mitigation strategies to ensure that these trees remain viable. It is recommended that a condition of any approval ensure that those mitigation measures are implemented in the works process.</p>
<p><i>P2. Development must be designed to be subservient and complementary to the place through characteristics including:</i></p> <ul style="list-style-type: none"> <i>(a) scale and bulk, materials, built form and fenestration;</i> <i>(b) setback from frontage;</i> <i>(c) siting with respect to buildings, structures and listed elements;</i> <p><i>using less dominant materials and colours.</i></p>	<p>Further to the commentary above re: scale, bulk, materials, siting etc. whilst the proposed development will occupy a 'frontage' of the heritage place, it must be remembered that the frontage as such is very wide, running along the Brooker Highway and wrapping along the University Rose Garden and back up Aberdeen Street. As an inviting access point, the proposed development must be on a frontage to adequately perform its function and in this case the frontage is sufficiently wide to accommodate such a structure with no conceivable heritage impact.</p>
<p><i>P3. Materials, built form and fenestration must respond to the dominant heritage characteristics of the place, but any new fabric should be readily identifiable as such.</i></p>	<p>As a clearly modern and functional element distant from the heritage buildings (as detailed above) it is not considered necessary for the proposed structure to respond to the dominant heritage characteristics of</p>

		<p>the place – in fact to do such would be considered disadvantageous to the heritage values of the place in that any attempts to imitate those characteristics would provide a confused evolution of the place. The design of the bridge in its entirety aims to respond to the heritage values of the place (and wider surrounds) by embracing views and providing dramatic entry points to these places – as well as the overall aim of providing easier equal access to allow improved public participation and appreciation of the places, therefore providing a substantial overall heritage benefit.</p>
	<p><i>P4. Extensions to existing buildings must not detract from the historic cultural heritage significance of the place.</i></p>	<p>Not applicable. The proposal does not include extensions to any existing buildings.</p>
	<p><i>P5. New front fences and gates must be sympathetic in design, (including height, form, scale and materials), to the style, period and characteristics of the building to which they belong.</i></p>	<p>Whilst the proposed development does include fencing, the variety of fencing types and variety of general landscape elements surrounding the heritage buildings, coupled with the distance of the proposed development from such, renders it unnecessary to provide fencing which references the architectural characteristics of those buildings. To utilise fencing which is characteristic of the style of the buildings (e.g. Domain House, Caretakers Cottage, High School/ Electrical Trades) would act to confuse the appreciation of site development and it is considered that a modern alternative to suit functional needs is more appropriate. The proposed fencing will be of style consistent with existing modern fencing in proximity to the proposed development, therefore is considered to be acceptable.</p>

Clause E.13.8.2: Building and Works other than Demolition – Heritage Precinct (in reference to the elements proposed within the G1 Heritage Precinct).

The Statements of Significance for Heritage Precinct G1 are listed in Table E.13.2, which states that the precinct is significant for reasons including:

1. *It demonstrates the three distinct sections of land granted to church groups which were leased and developed initially, in the 1880s and 1890s by the Anglican and Presbyterian Churches.*
2. *It contains the largest collection of weatherboard Victorian and Federation houses in Hobart.*
3. *The individual residential buildings and elements contribute to a coherent precinct highly visible throughout Hobart.*
4. *The garden settings of properties and parkland spaces are important and reinforce the precincts connection to the Queens Domain.*
5. *The large number of landmark residential and institutional buildings that are of historic and architectural merit.*
6. *The original and/or significant external detailing, finishes and materials demonstrating a high degree of integrity with a homogenous historic character.*

The proposed development site is situated on the very fringe of the G1 Heritage Precinct as per Figure 5.1, which is distant from the residential area of the Glebe (and traditional church land), which renders Statement of Significance 1-3 irrelevant to the current consideration. The assessment below will therefore consider the significance of 4-6 in the current considerations.

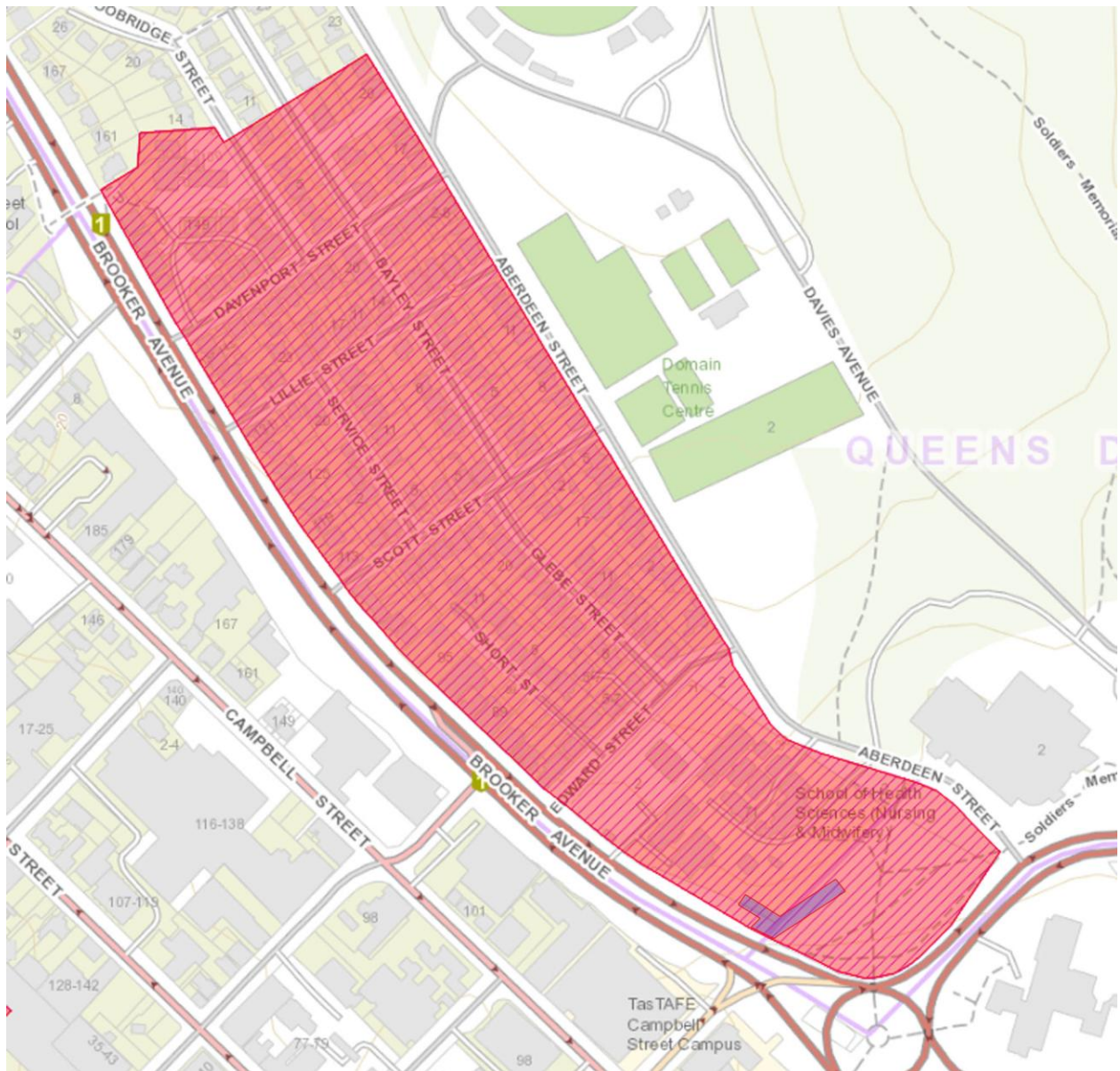


Figure 5.1 – The portion of the proposed development site (blue) which is within the G1 Heritage Precinct (red). Adapted from www.thelist.tas.gov.au.

E	P1. Design and siting of buildings and works	The portion of the proposed development contained
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	<i>must not result in detriment to the historic cultural heritage significance of the precinct, as listed in Table E13.2.</i>	within the G1 Heritage Precinct will have an overall heritage advantage for the precinct, as the holistic scheme will promote access to and a greater appreciation of the precinct. By adding a link to the city and thoroughfare to the wider precinct and Queens Domain, the proposed development will enhance the public use and appreciation of the parkland. This portion of the development has been designed to sit as low as possible in the landscape and skirts the lower edge of the Domain House embankment so as to be sited in such a way that the structure is as discrete-as-possible element in the precinct landscape, in fact it will be largely indiscernible from the vast majority of the precinct (including ground-level surrounding Domain House).
	<i>P2. Design and siting of buildings and works must comply with any relevant design criteria / conservation policy listed in Table E13.2, except if a heritage place of an architectural style different from that characterising the precinct.</i>	
	<i>P3. Extensions to existing buildings must not detract from the historic cultural heritage significance of the precinct.</i>	Not applicable. The proposal does not include extensions to any existing buildings.
	<i>P4. New front fences and gates must be sympathetic in design, (including height, form, scale and materials), and setback to the style, period and characteristics of the precinct.</i>	Whilst the proposed development does include fencing, the context of the proposed development, i.e. a link to the city on the very fringe of the heritage precinct), renders it unnecessary to provide fencing which references the style, period and characteristics of the precinct. To utilise fencing which is characteristic of the predominant Victorian and Federation styles of the precinct, in this location distant to the concentration of those styles, would act to confuse the appreciation of the development of the precinct and it is considered that a modern alternative to suit functional needs is more appropriate. The proposed fencing will be of style consistent with existing modern fencing in proximity to the proposed development, therefore is considered to be acceptable.
	<i>P5. The removal of areas of landscaping between a dwelling and the street must not</i>	The only areas of landscaping required to be removed are those within the actual footprint (and immediate

	<p><i>result in the loss of elements of landscaping that contribute to the historic cultural significance or the streetscape values and character of the precinct.</i></p>	<p>proximity) of the bridge landing. The bridge has been designed to retain all major landscape elements (e.g. established trees) and to utilise these as buffers against any visual impact.</p> <p>The Arborist Impact Assessment has identified low-medium impact upon two advanced trees in the grounds of Domain House and has recommended mitigation strategies to ensure that these trees remain viable. It is recommended that a condition of any approval ensure that those mitigation measures are implemented in the works process.</p>
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Clause E.13.9.2: Building and Works other than Demolition – Cultural Landscape Precinct (in reference to the elements proposed within the Middle Queens Domain Heritage Precinct).

The Statements of Significance for the Middle Queens Domain Heritage Precinct are listed in Table E.13.3, which states that the precinct consists of a designed park landscape located at the southern end of the Queens Domain. Its landscape significance stems from the following:

1. The features of a designed landscape due to early plantings of exotic species;
2. The historic botany; species have been planted over the years to beautify the landscape and/or commemorate particular events;
3. The variety in vegetation species and patterns found in different parts of the landscape;
4. The presence of many mature conifer trees, some of which are highly unusual in Tasmania, even rare in Australia;
5. The aesthetic pattern of mature coniferous vegetation combined in juxtaposition with exotic deciduous trees such as elms, ash or oaks demonstrating a favoured nineteenth century garden pattern which helped highlight effects of the picturesque and the gardenesque;
6. The links to the Royal Tasmanian Botanical Gardens as the majority of exotic trees planted were most likely sourced from the Royal Society's Garden in either late nineteenth or early twentieth centuries;
7. The vegetation cover with spacing and mix of mature trees and the wider open spaces between;
8. The picturesque park-like historic characteristics of the woodland as determined by nineteenth century landscape ideals;
9. The historic curving, winding and narrow carriage drives;

10. Its important and significant contribution to Australia's garden history and to the history of Australian domain spaces through its exotic tree collection and exotic minor landscape patterns.

The proposed development site is situated on the very fringe of the Queens Domain Cultural Landscape Precinct as per Figure 5.2:

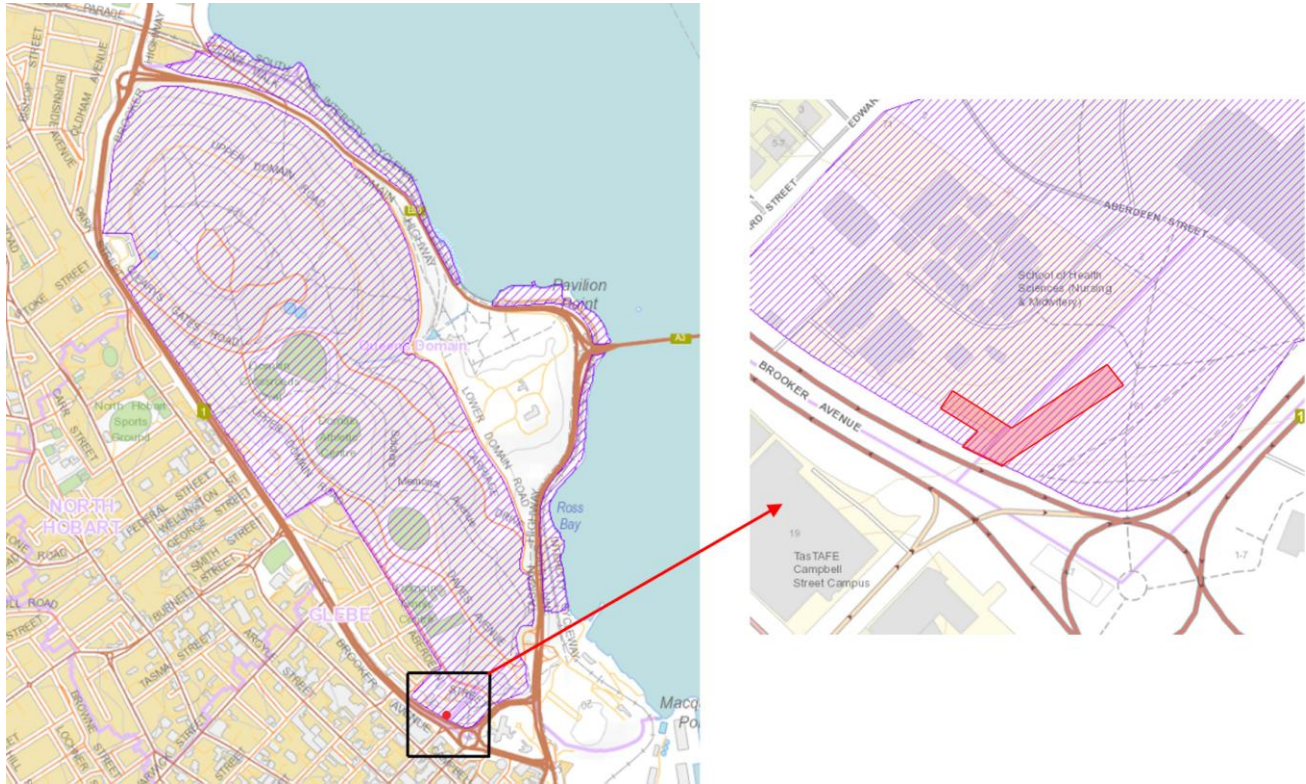


Figure 5.2 – The *approximate* development footprint (shaded red) in relation to the wider Queens Domain cultural landscape precinct (hatched in mauve). Note that the precise boundaries of the *Middle* Queens Domain Cultural Landscape Precinct to which the significance/character statements apply is not defined in the scheme but assumed to be the Botanical Gardens, Soldiers Memorial Avenue, Domain House, University Rose Gardens (etc.) areas. Adapted from www.thelist.tas.gov.au

E.13.9.2 –	P1. Design and siting of buildings and works must not result in detriment to the historic cultural heritage significance of the precinct, as listed in Table E13.3.	The portion of the proposed development contained within the Middle Queens Domain Cultural Landscape Precinct will have no impact upon any of the landscape values of that precinct. No landscape
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		<p>features are proposed to be removed and the design of the proposed development aims to utilise existing landscape features (e.g. mature trees, natural topography) to buffer the structure within the landscape. No major changes to the landscape or topography are proposed.</p> <p>The Arborist Impact assessment has identified low-medium impact upon two advanced trees in the grounds of Domain House and has recommended mitigation strategies to ensure that these trees remain viable. It is recommended that a condition of any approval ensure that those mitigation measures are implemented in the works process.</p> <p>The overall form of the bridge as it leads into the precinct takes an informal weaving form, which could be seen as interpretive of the sweeping carriageways historically (and currently) traversing the precinct.</p> <p>The structure aims to embrace the landscape by utilizing key views and vistas within the viewing extrusions and utilising openings to frame landscape features – effectively encouraging users to admire the landscape.</p> <p>The utilitarian nature of the bridge will allow easier and equal access from the city to the Middle Queens Domain Cultural Landscape Precinct and encourage use and engagement with the heritage values.</p>
	<p><i>P2. Design and siting of buildings and works must comply with any relevant design criteria / conservation policy listed in Table E13.3.</i></p>	

Clause E.13.10.1: Building, Works and Demolition – Places of Archaeological Potential (in reference to the Bathurst Street ramping.

E.13.	<p><i>P1. Buildings, works and demolition must not unnecessarily impact on archaeological</i></p>	<p>The application includes a thorough and detailed statement of archaeological potential, which considers</p>
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	<p><i>resources at places of archaeological potential, having regard to:</i></p> <ul style="list-style-type: none"> <i>a) the nature of the archaeological evidence, either known or predicted;</i> <i>b) measures proposed to investigate the archaeological evidence to confirm predictive statements of potential;</i> <i>c) strategies to avoid, minimise and/or control impacts arising from building, works and demolition;</i> <i>d) where it is demonstrated there is no prudent and feasible alternative to impacts arising from building, works and demolition, measures proposed to realise both the research potential in the archaeological evidence and a meaningful public benefit from any archaeological investigation;</i> <i>e) (e) measures proposed to preserve significant archaeological evidence 'in situ'.</i> 	<p>both historical and aboriginal archaeological values.</p> <p>That document is considered sufficient to meet the P1 of Clause 13.10.1.</p> <p>That report has not considered alternatives to the possibility of impact upon the archaeological resource, however given the level of significance assigned to those remains (i.e. medium-low significance) it is not considered necessary to explore design amendments which may minimise impact and that sufficient mitigation of impact can be achieved through monitoring of any earthworks associated with the proposed development and yielding archaeological information.</p> <p>A condition of approval is proposed to ensure that the recommendations contained in Section 9 of that report are implemented and a report on findings is provided to the planning authority within six months of completion of the proposed development.</p> <p>.</p>
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6. Conclusion and recommendations

This historic heritage assessment concludes that the proposed development is not contrary to the relevant historic heritage provisions of the scheme **and that the proposed development ought not be refused on any heritage grounds.**

It is recommended that the following conditions be included in any planning approval:

- That the recommendations detailed in Section 9 of the Kostoglou/Watton Statement of Historical Archaeological Significance (submitted as part of the application documentation) be implemented and that a report on the findings of those archaeological works be submitted to the planning authority within six months of the completion of works.
- That the recommendations of the Arborist Impact Assessment (Romanski 27/11/15 as submitted with the application) be implemented for trees 1 and 2 as identified in that document.

It is recommended that the following advice be included in any planning approval:

- That it is desirable to include discreet installations for the interpretation of relevant heritage themes and contexts and key views/vistas within the extrusions along the path of the bridge.

Note – The application flags the possibility of a connection and new doorway from the bridge to the University of Tasmania MS2 building, which may form part of a future development application. The current assessment considers that such a development would have no conceivable heritage impact, and in any case apart from the archaeological provisions (i.e. E.13.10.1) would invoke no heritage discretions. It is considered that such a development would have no impact upon significant archaeological remains, therefore the current assessment may be used in the assessment of any such future application which ought not be refused on any heritage grounds, nor require any heritage conditions to be applied to any approval.



SUPPORTING ASSESSMENT INFORMATION

**CITY PLANNING
COMMITTEE MEETING
(OPEN PORTION OF THE MEETING)**

MONDAY 4 JULY 2016

AT 5.00 P.M.

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DEMOLITION, ALTERATIONS, FENCING, PARKING AREA,
DRIVEWAY AND PARTIAL CHANGE OF USE TO FOOD
SERVICES (RESTAURANT) - PLN160033401 – FILE REF:
P5576930 & P/95/550**

6. COMMITTEE ACTING AS PLANNING AUTHORITY

6.1 APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015

6.1.3 95 HAMPDEN ROAD, ADJACENT STOWELL AVENUE ROAD RESERVATION - PARTIAL DEMOLITION, ALTERATIONS, FENCING, PARKING AREA, DRIVEWAY AND PARTIAL CHANGE OF USE TO FOOD SERVICES (RESTAURANT) - PLN160033401 – FILE REF: P5576930 & P/95/550

36x's

Attached are copies of reports and other additional information that support the content of the Officer's report contained in the agenda, referred at this item.

Attachment 1

DEVELOPMENT APPLICATION DOCUMENT
This document is one of the documents relevant to the application for a planning permit No.PLN-16-00334 and was received on the 31 March 2016
Planning Authority: Hobart City Council

95 HAMPDEN ROAD, BATTERY POINT



This document is one of the documents relevant to the application for a planning permit No.PLN-16-00334 and was received on the 31 March 2016

Planning Authority: Hobart City Council

95 HAMPDEN ROAD, BATTERY POINT

Development Application for Alterations and Food Services

Planning Submission to Hobart City Council

This document is one of the documents relevant to the application for a planning permit No.PLN-16-00334 and was received on the 31 March 2016

Planning Authority: Hobart City Council

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1. INTRODUCTION

Ireneinc Planning have been engaged by Peter and Vicki Sharp to prepare an application for development of the land at 95 Hampden Road, Battery Point. This report provides an assessment of the proposal against the provisions of *Interim Hobart Planning Scheme 2015*.

The application consists of the following documents:

- Certificates of Title (Appendix A);
- Architectural Drawings, DW+A;
- Landowner consent request;
- Application for Occupational License.

1.1 BACKGROUND

A separation application has been made to Hobart City Council for the subdivision of the site into two lots (PLN-15-00367-01), this application is considered independent to the subdivision application.

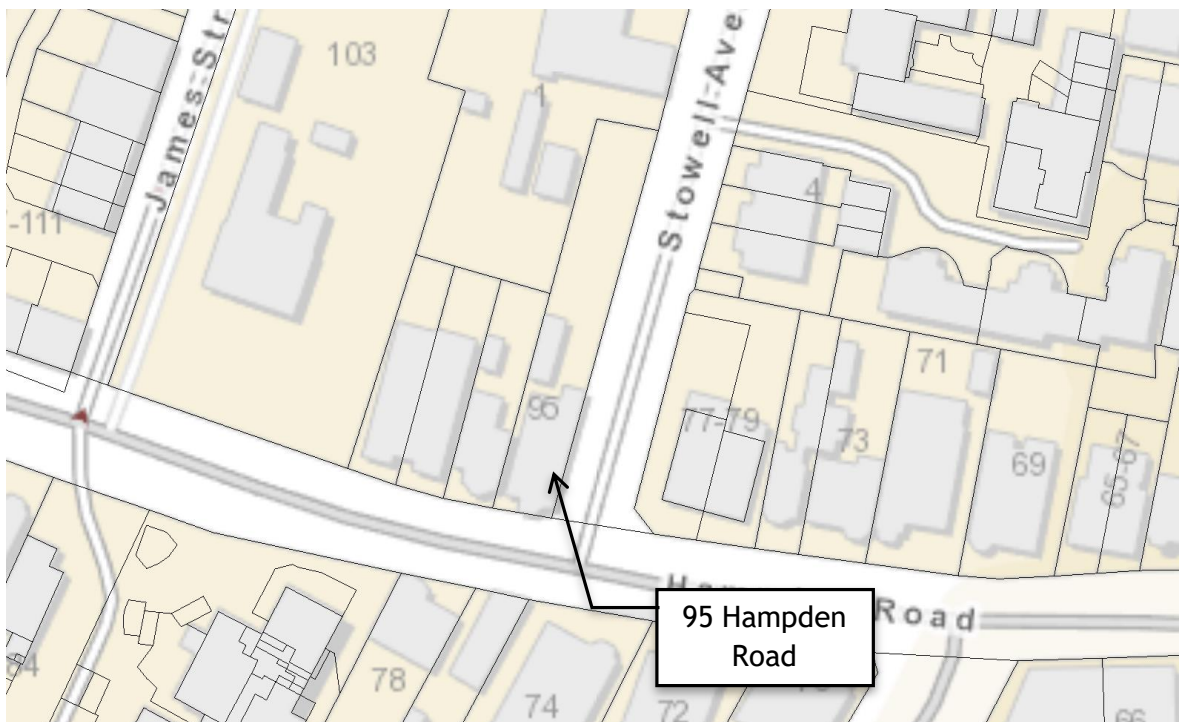


Figure 1: Location Plan (source: The LIST)

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1.2 LAND TITLES

The title reference for the property is CT113294/1 (refer appendix A). The site has an area of 618m².



Figure 2: Existing fencing line within the road reserve of Stowell Avenue

1.3 SITE DESCRIPTION

The site is located on the corner of Hampden Road and Stowell Avenue. The site is long and narrow, with the longer frontage to Stowell Avenue, and the short frontage on Hampden Road on the south. Part of the road reserve in Stowell Avenue has been fenced in along the side of the building and the rear yard.

There is an existing building on the site that is built to the Hampden Road frontage. The ground floor is currently recognised as 'Bahr's Chocolate and Milk Bar', a small shop for lollies and other conveniences. The rear ground and first floor is used as a residential dwelling that is connected to the shop. There are a number of extensions at the rear of the building.

The site falls gradually to the north. There are opportunities for views towards Kunanyi/Mount Wellington looking to the west of the site.

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Figure 3: Aerial Image (Source: The LIST)

The property is listed on the Tasmanian Heritage Register as 'Bristol House' (listing 1789, as at 10 July 2015). The listing refers to the site meeting the following criteria:

d) The place is important in demonstrating the principal characteristics of a class of place in Tasmania's history.

95 Hampden Road is of historic heritage significance because of its ability to demonstrate the principal characteristics of a two storey brick Federation Freestyle residential/retail building.

f) The place has a strong or special association with a particular community or cultural group for social or spiritual reasons.

This site is of historic heritage significance because its townscape associations are regarded as important to the community's sense of place.

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Figure 4: Building frontage to Hampden Road



Figure 5: Building frontage to Stowell Avenue

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Figure 6: Looking southwards along Stowell Avenue to the subject site

1.4 ADJOINING LAND

Properties surrounding the site on either side of the site on Hampden Road are dwellings. 76 Hampden Road opposite similarly to this development site has a commercial use at the ground level frontage. The property to the north at 1 Stowell Avenue is operated as a boutique bunkhouse.

Stowell Avenue is a two-way no-through-road that provides access for a number of dwellings. The neighbouring property at the rear of the development site has vehicular access along the shared northern boundary and a communal parking area located to the west of the subject site.

The adjoining properties at 74, 76, 78, 79 and 97 Hampden Road are listed on the Tasmanian Heritage Register.

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Figure 7: 79 Hampden Road



Figure 8: 78 & 76 Hampden Road

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Figure 9: 1 Stowell Avenue

1.5 PROPOSED DEVELOPMENT

The proposed development is for internal alterations to the existing building to alter the existing retail tenancies to a restaurant that occupies the entire ground floor; and improvements to the first floor dwelling. Demolition of some of the extensions to the rear is required. The proposed development also includes the addition of rear parking, and alterations to the existing timber-paling fence.

The proposed alterations have been prepared in consultation with Heritage Tasmania.

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2. PLANNING SCHEME PROVISIONS

The proposed site falls within the provisions of the *Hobart Interim Planning Scheme 2015*. The relevant provisions are addressed below.

2.1 ZONING

The site is located in the Inner Residential Zone as shown in Figure 10 below and is surrounded by similarly zoned land.

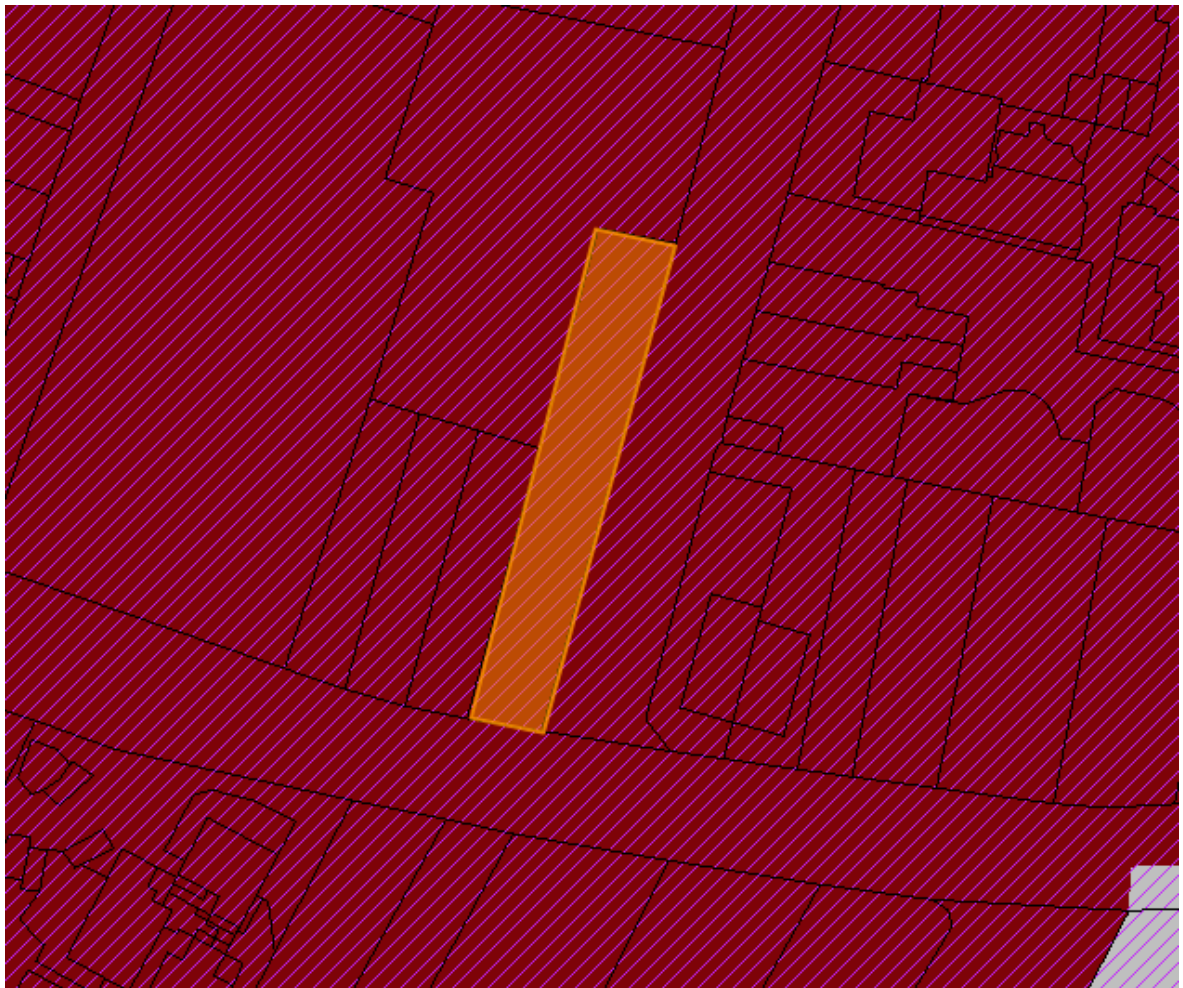


Figure 10: Zoning plan (Source: The LIST)

2.2 INNER RESIDENTIAL ZONE

The zone purpose for the Inner Residential Zone is as follows:

11.1.1 Zone Purpose Statements

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11.1.1.1 To provide for a variety of residential uses and dwelling types close to services and facilities in inner urban and historically established areas, which uses and types respect the existing variation and pattern in lot sizes, set back, and height.

11.1.1.2 To provide for compatible non-residential uses that primarily serve the local community.

11.1.1.3 To encourage residential development at higher densities in locations within walkable distance of services, facilities, employment and high frequency public transport corridors.

11.1.1.4 To encourage residential development that respects the neighbourhood character.

11.1.1.5 To provide a high standard of residential amenity.

11.1.1.6 To allow commercial uses which provide services for the needs of residents of a neighbourhood and do not displace an existing residential use or adversely affect their amenity particularly through noise, traffic generation and movement, and the impact of demand for on-street parking.

The proposal provides for the improvements of the existing residential dwelling on the site and further non-residential use consistent with the existing activities on the site and with the character of the surrounding area. On-site parking has been provided to minimise the requirement for on-street parking.

2.2.1 USE TABLE

The building is currently used as a dwelling and a shop. These uses would fall within the following use classes:

Residential: use of land for self contained or shared living accommodation. Examples include an ancillary dwelling, boarding house, communal residence, home-based business, hostel, residential aged care home, residential college, respite centre, retirement village and single or multiple dwellings.

General Retail and Hire: use of land for selling goods or services, or hiring goods. Examples include an adult sex product shop, amusement parlour, beauty salon, betting agency, commercial art gallery, department store, hairdresser, market, primary produce sales, shop, shop front dry cleaner, supermarket and video shop

No permit is required for a single dwelling on a lot. General Retail and hire is discretionary with the following qualification:

Only if in an existing building, except if a local shop, and not displacing a residential use unless in a building previously used for non-residential commercial purposes.

The proposal includes conversion of the entirety of the ground floor to Food Services:

Food Services: use of land for preparing or selling food or drink for consumption on or off the premises. Examples include a café, restaurant and take-away food premises.

Food services use is discretionary with the following use qualification:

Only if in an existing building and not displacing a residential use unless in a building previously used for non-residential commercial purposes. Except if a take away food premises with a drive through facility.

The use qualification for food services refers to displacing a residential use unless in a building previously used for non-residential commercial purposes. The building is currently used for non-residential commercial purposes for the existing shop. The shop has been used as a lolly shop in

recent years and the activities as well as the buildings heritage values contribute to the attraction of the Battery Point area to visitors.

The proposed restaurant will add to the variety of uses already existing within proximity to the site while improving the quality of the residential development on the site. Although the restaurant tenants have not been confirmed at this stage the operation of the facilities will be undertaken to ensure that the use will not result in any greater impact on the amenity of residential neighbours than the existing shop.

2.2.2 USE STANDARDS

The proposed use will need to respond to the provisions of the 11.3 *Use Standards*, the following is the development's response to these provisions.

11.3.1 Non-Residential Use

Objective:

To ensure that non-residential use does not unreasonable impact residential amenity.

Acceptable solution	Proposed
A1 Hours of operation must be within 8.00 am to 6.00 pm, except for office and administrative tasks or visitor accommodation.	Hours of operation for the non-residential use of the restaurant will be 8am-10pm, this is required to be assessed in relation to the Performance Criteria.
P1 Hours of operation must not have an unreasonable impact upon the residential amenity through commercial vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent.	Commercial vehicle movements will be within the permitted times, and operation of the restaurant will be undertaken to minimise impacts on residential amenity. The frontage of the building is to Hampden Road that is currently used for non-residential uses and operates between 7am-9pm.
A2 Noise emissions measured at the boundary of the site must not exceed the following: (a) 55 dB(A) (LAeq) between the hours of 8.00 am to 6.00 pm; (b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 6.00 pm to 8.00 am; (c) 65dB(A) (L _{Amax}) at any time. Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness. Noise levels are to be averaged over a 15 minute time interval.	The proposed development will be operated to ensure that there will be no environmental harm to neighbouring properties.
A3 External lighting must comply with all of the following: (a) be turned off between 10:00 pm and 6:00 am, except for security lighting; (b) security lighting must be baffled to ensure they do not cause emission of light into adjoining private land.	The only external lighting will to ensure safe access to parking spaces. This lighting will be baffled to ensure that there will be no emission to neighbouring properties. The proposal meets the acceptable solution.
A4 Commercial vehicle movements, (including loading and unloading and garbage removal) to	The use would generate less than 20 commercial vehicle movements a day and these

<i>or from a site must be limited to 20 vehicle movements per day and be within the hours of:</i>	are capable of occurring within the permitted hours.
(a) 7.00 am to 5.00 pm Mondays to Fridays inclusive;	The proposal complies with the acceptable solution.
(b) 9.00 am to 12 noon Saturdays;	
(c) nil on Sundays and Public Holidays.	

2.2.3 DEVELOPMENT STANDARDS

The proposed development will need to respond to those provisions relating to *11.4 Development Standards*. The following provides detail of the development in response to these development Standards.

11.4.1 Residential density for multiple dwellings

Objective:

To provide for inner urban densities that:

- (a) increase the number and density of dwellings; and
- (b) provide a range of dwelling types and sizes appropriate to the location; and
- (c) encourage efficient utilisation of residential land and services in inner urban areas.

Acceptable solution	Proposed
A1 Multiple dwellings must have a site area per dwelling of not less than 200m ² and not more than 400m ² .	The proposed development is for a single dwelling on the first floor of the existing building. This provision is not applicable.

The proposed development does not alter the existing conditions in relation to 11.4.2 Setback.

11.4.3 - Site coverage and private open space

Objective:

To provide:

- (a) for outdoor recreation and the operational needs of the residents; and
- (b) opportunities for the planting of gardens and landscaping; and
- (c) private open space that is integrated with the living areas of the dwelling; and
- (d) private open space that has access to sunlight.

Acceptable solution	Proposed
A1 Dwellings must have: (a) a site coverage	The proposal reduces the proposed site coverage with the demolition of minor structures at the rear.
A2 A dwelling must have an area of private open space that: (a) is in one location and is at least: (i) 24 m ² ; or (ii) 12 m ² , if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and (b) has a minimum horizontal dimension of: (i) 3 m; or (ii) 2 m, if the dwelling is a multiple dwelling with a finished floor level that is	The dwelling does not have an outdoor area for the exclusive use of the occupants. The rear of the dwelling has been designed to preserve the historic fabric at the rear of the building. The proposal is required to be assessed in response to the Performance Criteria. P2 a) The dwelling retains the historic sunroom on the northern side which provides a space which operates as an extension to the living spaces of the house with access to natural sunlight and is considered to meet the likely requirements of residents within an above ground apartment.

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<p>entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(c) is directly accessible from and adjacent to, a habitable room (other than a bedroom); and</p> <p>(d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least 3 hours of sunlight to 50% of the area between 9.00am and 3.00pm on the 21st June; and</p> <p>(e) is located between the dwelling and the frontage only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and</p> <p>(f) has a gradient not steeper than 1 in 10; and</p> <p>(g) is not used for vehicle access or parking.</p> <p>P2 A dwelling must have private open space that:</p> <p>(a) includes an area that is capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play that is:</p> <p>(i) conveniently located in relation to a living area of the dwelling; and</p> <p>(ii) orientated to take advantage of sunlight;</p> <p>unless the projected requirements of the occupants are considered to be satisfied by communal open space or public open space in close proximity.</p>	<p>The site is within walking distance of public open space at Arthur Circus, Princes Park, St David's Park, A J White Park and Salamanca Place.</p> <p>The proposal therefore complies with the performance criteria.</p>
<p>A3 This acceptable solution does not apply to heritage precinct BP1.</p>	<p>The site is situated in Heritage Precinct BP1</p>

11.4.4 Sunlight and overshadowing

Objective:

To provide:

- (a) the opportunity for sunlight to enter habitable rooms (other than bedrooms) of dwellings; and
- (b) separation between dwellings on the same site to provide reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space.

Acceptable solution	Proposed
A1 A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west and 30 degrees east of north (see diagram 11.4.4A).	The proposed sunroom complies with the acceptable solution.
A2 A multiple dwelling that is to the north of a window of a habitable room ...	The proposal is for a single dwelling therefore this provision does not apply.
A3 A multiple dwelling, that is to the north of the private open space, ...	The proposal is for a single dwelling therefore this provision does not apply.

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11.4.5 Width of openings for garages and carports

Objective:

To reduce the potential for garage or carport openings to dominate the primary frontage.

Acceptable solution	Proposed
A1 A garage or carport within 12m of a primary frontage...	The proposed development does not include a garage or carport. This provision does not apply.

11.4.6 Privacy

Objective:

To reduce the potential for loss of privacy for dwellings.

Acceptable solution	Proposed
A1 A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1m above natural ground level...	Not Applicable
A2 A window or glazed door, to a habitable room, of a dwelling, that has a floor level more than 1 m above the natural ground level, ...	No changes are proposed to the existing glazing on the first floor of the building. This provision does not apply.
A3 A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of at least:	The proposed shared driveway and parking space is separated from the windows of the first floor dwelling by a horizontal distance of at least 1m.
(a) 2.5m; or	The proposal complies with the Acceptable Solution.
(b) 1m if:	
(i) it is separated by a screen of at least 1.7m in height; or	
(ii) the window, or glazed door, to a habitable room has a sill height of at least 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level.	

11.4.7 Frontage fences

Objective:

To control the height and transparency of frontage fences to:

- (a) allow the potential for mutual passive surveillance between the road and the dwelling; and
- (b) establish a consistent pattern of frontage fences.

Acceptable solution	Proposed
A1 A fence (including a free-standing wall) within 3m of a frontage must have a height above natural ground level of not more than:	The proposed fence is to a maximum height of 2.1m, it is required to be assessed in relation to the Performance Criteria.
(a) 1.2m if the fence is solid; or	
(b) 1.5m, if any part of the fence that is within	P1

3m of a primary frontage has openings above a height of 1.2m which provide a uniform transparency of not less than 30% (excluding any posts or uprights).

P1 *A fence (including free-standing walls) within 3m of a frontage must allow for mutual passive surveillance between the road and the dwelling (particularly on primary frontages), and maintain or enhance the streetscape.*

Although the proposed fence has a maximum height of 2.1m, it is generally lower in height than the existing height of fencing on the site and includes transparency.

The site is a listed heritage place and is situated within a heritage precinct as such there are provisions within the Historic Heritage Code for fences (E17.7.2A5 & E7.8.2A4), which in accordance with 7.1.2 prevail over those of the zone.

11.4.8 Waste storage for multiple dwellings

Objective:

To provide for the storage of garbage and recycling bins for multiple dwellings.

Acceptable solution	Proposed
<p>A1 <i>A multiple dwelling must have a storage area, for waste and recycling bins, that is an area of at least 1.5m² per dwelling and is within one of the following locations:</i></p> <p>(a) <i>in an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or</i></p> <p>(b) <i>in a communal storage area with an impervious surface that:</i></p> <p>(i) <i>has a setback of at least 3 m from a frontage; and</i></p> <p>(ii) <i>is at least 5.5 m from any dwelling; and</i></p> <p>(iii) <i>is screened from the frontage and any dwelling by a wall to a height of at least 1.2m above the finished surface level of the storage area.</i></p>	<p>As the residential dwelling is the only proposed dwelling on this site, this provision does not apply, however storage has been provided as indicated on the ground floor plans.</p>

11.4.9 Non-dwelling development

Objective:

To ensure that all non-dwelling development is sympathetic to the form and scale of residential development and does not significantly affect the amenity of nearby residential properties..

Acceptable solution	Proposed
<p>A1 <i>Non-dwelling development must comply with all of the following acceptable solutions as if it were a dwelling:</i></p> <p>(a) <i>11.4.2 A1 and A3;</i></p> <p>(b) <i>11.4.3 A1 (a) and (c);</i></p> <p>(c) <i>11.4.7 A1.</i></p> <p>P1 <i>Non-dwelling development must comply with the related performance criteria as if it were a dwelling.</i></p>	<p>The proposed development does not comply with all of the acceptable solutions listed.</p> <p>P1</p> <p>(a) (11.4.2 A1): The building's setback is not applicable as no change is proposed.</p> <p>(11.4.2 A3): This development is not required to be assessed in response to 11.4.2 A3 as the proposed development is situated within the Battery Point Heritage Precinct (BP1)</p> <p>(b) 11.4.3 A1 (a) and (c): The proposal reduces the site coverage but exceeds 50% and the impervious surfaces are less than 35%.</p>

(c) 11.4.7 A1: The fence exceeds the height requirements.

The development includes residential uses and the standards have been assessed in relation to the relevant performance criteria. The proposal complies with the Performance Criteria.

A2 Non-residential garages and carports must comply with all of the following acceptable solutions as if they were ancillary to a dwelling:

- (a) 11.4.2 A2;
- (b) 11.4.5 A1.

The proposed development does not include a garage or carport. These provisions do not apply. (11.4.2 A2 and 11.4.5 A1).

A3 Outdoor storage areas must comply with all of the following:

- (a) be located behind the building line;
- (b) all goods and materials stored must be screened from public view;
- (c) not encroach upon car parking areas, driveways or landscaped areas.

The outdoor bin storage area is located in front of the building line to Stowell Avenue it is therefore required to be assessed in response to the Performance Criteria.

(a) bin storage areas are located behind the fence line and are screened internally so as not to be seen externally from the site.

(b) bin storage areas don't encroach on landscaped areas and driveways.

P3 Outdoor storage areas must satisfy all of the following:

- (a) be located, treated or screened to avoid unreasonable adverse impact on the visual amenity of the locality;
- (b) not encroach upon car parking areas, driveways or landscaped areas.

2.3 POTENTIALLY CONTAMINATED LAND CODE

The site is currently used for Residential Activity and Commercial, to the best of our knowledge it has not been used for contaminating activities.

2.4 ROAD AND RAILWAY ACCESS ASSETS CODE

This Code provides for the use or development of land:

- (a) that will require a new vehicle crossing, junction or level crossing; or
- (b) that intensifies the use of an existing access; or
- (c) that involves a sensitive use, a building, works or subdivision within 50m metres of a Utilities zone that is part of:
 - (i) a rail network;
 - (ii) a category 1 - Trunk Road or a category 2 - Regional Freight Road, that is subject to a speed limit of more than 60km/h kilometres per hour.

The following relevant provisions from E5.5 Use Standards have been assessed.

E5.5.1 Existing road accesses and junctions

Objective:

To ensure that the safety and efficiency of roads is not reduced by increased use of existing accesses and junctions.

Acceptable solution

Proposed

A3 The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.

The proposed development includes a new driveway access on Stowell Avenue and parking for two cars. It is assumed that there will be increased vehicle movements by more than 20% (as there currently aren't any vehicle movements). The proposal is required to be assessed in response to P3.

P3 Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of 60km/h or less, must be safe and not unreasonably impact on the efficiency of the road, having regard to:

P3

The addition of two parking spaces will only marginally increase the volume of vehicle traffic at the junction with Hampden Road. Stowell Avenue is a traffic calmed environment due to the design of the road and the access is unlikely to have considerable impact on the efficiency of the road.

- (a) the increase in traffic caused by the use;
- (b) the nature of the traffic generated by the use;
- (c) the nature and efficiency of the access or the junction;
- (d) the nature and category of the road;
- (e) the speed limit and traffic flow of the road;
- (f) any alternative access to a road;
- (g) the need for the use;
- (h) any traffic impact assessment; and
- (i) any written advice received from the road authority.

The relevant provisions from E5.6 Development Standards have been addressed below.

E5.6.2 Road accesses and junctions

Objective:

To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions.

Acceptable solution	Proposed
A2 No more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less.	The proposed development includes only one access point that includes entry and exit. The proposal complies with the acceptable solution.

E5.6.4 Sight distance at accesses, junctions and level crossings

Objective:

To ensure that accesses, junctions and level crossings provide sufficient sight distance between vehicles and between vehicles and trains to enable safe movement of traffic.

Acceptable solution	Proposed
A1 Sight distances at: <ul style="list-style-type: none"> (a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E5.1; and (b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia. 	<p>The speed limit for all traffic within Battery Point is 40km/hr, however sight distances are not 80m. The proposal is required to be assessed in relation to the Performance Criteria.</p> <p>The parking configuration has been designed appropriately for the calmed traffic</p>

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environment of Stowell Avenue.

P1 The design, layout and location of an access, junction or rail level crossing must provide adequate sight distances to ensure the safe movement of vehicles, having regard to:

- (a) the nature and frequency of the traffic generated by the use;
- (b) the frequency of use of the road or rail network;
- (c) any alternative access;
- (d) the need for the access, junction or level crossing;
- (e) any traffic impact assessment;
- (f) any measures to improve or maintain sight distance; and
- (g) any written advice received from the road or rail authority.

2.5 PARKING AND ACCESS CODE

The following is an assessment of the proposed development in response to the provisions of E6.0 Parking and Access Code.

E6.6.1 Number of Car Parking Spaces

Objective:

To ensure that:

- (a) there is enough car parking to meet the reasonable needs of all users of a use or development, taking into account the level of parking available on or outside of the land and the access afforded by other modes of transport.
- (b) a use or development does not detract from the amenity of users or the locality by:
 - (i) preventing regular parking overspill;
 - (ii) minimising the impact of car parking on heritage and local character.

Acceptable solution	Proposed
A1 The number of on-site car parking spaces must be: <ul style="list-style-type: none"> (a) no less than and no greater than the number specified in Table E6.1; except if: <ul style="list-style-type: none"> (i) the site is subject to a parking plan for the area adopted by Council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan; (ii) the site is subject to clauses E6.6.5, E6.6.6, E6.6.7, E6.6.8, E6.6.9 or E6.6.10 of this planning scheme. 	The site is subject to clauses to E6.6.10 Number of Car Parking Spaces - Residential Zones therefore this provision does not apply.

E6.6.2 Number of Accessible Car Parking Spaces for People with a Disability

Objective:

To ensure that a use or development provides sufficient accessible car parking for people with a disability.

Acceptable solution	Proposed
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A1 Car parking spaces provided for people with a disability must:

1 accessible parking space has been provided in accordance with the BCA.

- (a) satisfy the relevant provisions of the Building Code of Australia;
- (b) be incorporated into the overall car park design;
- (c) be located as close as practicable to the building entrance.

E6.6.3 Number of Motorcycle Parking Spaces

Objective:

To ensure enough motorcycle parking is provided to meet the needs of likely users of a use or development.

Acceptable solution

Proposed

A1 The number of on-site motorcycle parking spaces provided must be at a rate of 1 space to each 20 car parking spaces after the first 19 car parking spaces except if bulky goods sales, (rounded to the nearest whole number). Where an existing use or development is extended or intensified, the additional number of motorcycle parking spaces provided must be calculated on the amount of extension or intensification, provided the existing number of motorcycle parking spaces is not reduced.

No motorcycle parking is required as less than 20 vehicle spaces have been provided. The proposal complies with the acceptable solution.

E6.6.4 Number of Bicycle Parking Spaces

Objective:

To ensure enough bicycle parking is provided to meet the needs of likely users and by so doing to encourage cycling as a healthy and environmentally friendly mode of transport for commuter, shopping and recreational trips.

Acceptable solution

Proposed

A1 The number of on-site bicycle parking spaces provided must be no less than the number specified in Table E6.2.

There is no requirement for on-site bicycle parking for the commercial uses at this site due to the limited floor area of both premises (less than 100m²).

The proposal complies with the acceptable solution.

E6.6.10 Number of Car Parking Spaces - Residential Zones

Objective:

To facilitate the adaptive reuse of existing non-residential buildings in a residential zone so that the parking generated by that reuse has limited impacts on residential amenity.

Acceptable solution

Proposed

A1 No on-site parking is required for:

- (a) food services uses up to 100m² floor area or 30 seats, whichever is the lesser; and
- (b) general retail and hire uses up to 100m² floor area;

The floor area of the food services is 140m² which is marginally above the threshold for no parking required on the site, however the proposal does not comply with the Acceptable Solution.

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provided the use complies with the hours of operation specified for the relevant zone.

P1 The number of on-site car parking spaces must be sufficient to meet the reasonable needs of users, having regard to all of the following:

- (a) car parking demand generated by the proposed use during its proposed hours of operation;*
- (b) the availability of on-street and public car parking in the locality;*
- (c) the availability and frequency of public transport within a 400 m walking distance of the site;*
- (d) the availability and likely use of other modes of transport;*
- (e) the availability and suitability of alternative arrangements for car parking provision;*
- (f) any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;*
- (g) any car parking deficiency or surplus associated with the existing use of the land;*
- (h) any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement, except in the case of substantial redevelopment of a site;*
- (i) the appropriateness of a financial contribution in lieu of parking towards the cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity;*
- (j) any verified prior payment of a financial contribution in lieu of parking for the land;*
- (k) any relevant parking plan for the area adopted by Council;*
- (l) the impact on the historic cultural heritage significance of the site if subject to the Historic Heritage Code.*
- (m) any existing on-street parking restrictions;*
- (n) the proportion of residential properties without off-street parking within a 100m radius of the subject site.*

The proposal includes 2 parking spaces, inclusive of one accessible parking space.

(a) The proposal is for a slightly greater area of non-residential use than is existing on the site and provides 2 parking spaces where currently there is none. This is considered sufficient as a resident parking space and a staff parking space.

Food Services generates 15 spaces for each 100m² in Table E6.1, which would result in 15 spaces for the additional 40m² of floor area above that which requires no parking. The area of parking would be the equivalent of a 360m² of on-site parking which would be inappropriate and unnecessary for such a minor expansion of the non-residential use.

(b) There is substantial amount of on-street parking in the area which is for short-term parking and nearby public parking areas in Salamanca within 400m. The proposal improves parking by allowing some on-street parking on the site.

(c) There is a bus route that operates frequently on Sandy Bay Road within 400m of the site.

(d) Battery Point is recognised for its accessibility by a range of different transportation modes, particularly its walkability.

(e) As discussed in the points above there are alternatives to vehicles parking on site, and provision of further parking on site would be inappropriate to the area.

(f) Parking is capable of being negotiated between tenants, so that if the resident does not have a car they do not need to lease the parking space.

(g) The existing shop has an area of 60m² and would not generate any parking in accordance with this clause. The existing and proposed dwelling contains 2 or more bedrooms and generates 2 parking spaces in accordance with Table E6.1, however the Heritage Code applies in E13.8.4 A9 which does not allow for more than 1 space per dwelling. As no parking is currently provided there is an existing shortfall of one parking space.

(h) There is currently no credit for the existing use of the land.

(i) Battery Point is already sufficiently serviced by parking and transport facilities, the variation to the number of parking spaces is not considered appropriate for a contribution in lieu.

(j) It is not known whether any previous contributions in lieu have been made for the

land.

(k) There is no specific parking plans for the Battery Point area however in Council's, Parking - a Plan for the Future (2013) they do recommend monitoring on street parking in Battery Point.

(l) The site is a heritage listed place within the Battery Point heritage precinct. Provision of further on site parking would be inconsistent with the character of the area and the place.

(m) Parking at the frontage of the building is restricted to 15min which would allow for loading and dropping off customers and deliveries. Parking on Stowell Avenue is restricted in time or to local residents as it is on Hampden Road.

(n) The provision of parking to surrounding residents is inconsistent due to the heritage surrounds.

Overall the provision of additional on-street parking is considered sufficient in accordance with the Performance Criteria.

The following is an assessment of the proposal in relation to the relevant provisions of E6.7 Development Standards.

E6.7.1 Number of Vehicular Accesses

Objective:

To ensure that:

(a) *safe and efficient access is provided to all road network users, including, but not limited to: drivers, passengers, pedestrians, and cyclists, by minimising:*

(i) *the number of vehicle access points; and*

(ii) *loss of on-street car parking spaces;*

(b) *vehicle access points do not unreasonably detract from the amenity of adjoining land uses;*

(c) *vehicle access points do not have a dominating impact on local streetscape and character.*

Acceptable solution	Proposed
A1 <i>The number of vehicle access points provided for each road frontage must be no more than 1 or the existing number of vehicle access points, whichever is the greater.</i>	Only one access is proposed, the proposal complies with the acceptable solution.

E6.7.2 Design of Vehicular Accesses

Objective:

To ensure safe and efficient access for all users, including drivers, passengers, pedestrians and cyclists by locating, designing and constructing vehicle access points safely relative to the road network.

Acceptable solution	Proposed
A1 <i>Design of vehicle access points must comply</i>	Parking complies with Australian Standards.

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complies with the acceptable Planning Authority: Hobart City Council

with all of the following:

(a) in the case of non-commercial vehicle access; the location, sight distance, width and gradient of an access must be designed and constructed to comply with section 3 - "Access Facilities to Off-street Parking Areas and Queuing Areas" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking;

(b) in the case of commercial vehicle access; the location, sight distance, geometry and gradient of an access must be designed and constructed to comply with all access driveway provisions in section 3 "Access Driveways and Circulation Roadways" of AS2890.2 - 2002 Parking facilities Part 2: Off-street commercial vehicle facilities.

The proposal solution.

E6.7.3 Vehicular Passing Areas Along an Access

Objective:

To ensure that:

(a) the design and location of access and parking areas creates a safe environment for users by minimising the potential for conflicts involving vehicles, pedestrians and cyclists;

(b) use or development does not adversely impact on the safety or efficiency of the road network as a result of delayed turning movements into a site.

Acceptable solution

Proposed

A1 Vehicular passing areas must:

(a) be provided if any of the following applies to an access:

(i) it serves more than 5 car parking spaces;

(ii) is more than 30 m long;

(iii) it meets a road serving more than 6000 vehicles per day;

(b) be 6 m long, 5.5 m wide, and taper to the width of the driveway;

(c) have the first passing area constructed at the kerb;

(d) be at intervals of no more than 30 m along the access.

Vehicle passing is not required for this development as the access only serves 2 car parking spaces. The proposal complies with the acceptable solution.

E6.7.4 On-Site Turning

Objective:

To ensure safe, efficient and convenient access for all users, including drivers, passengers, pedestrians and cyclists, by generally requiring vehicles to enter and exit in a forward direction.

Acceptable solution

Proposed

A1 On-site turning must be provided to enable vehicles to exit a site in a forward direction, except where the access complies with any of the following:

(a) it serves no more than two dwelling units;

(b) it meets a road carrying less than 6000

As parking is able to be used by non-residential on-site turning is required, therefore the proposal is required to be assessed by the Performance Criteria.

As Stowell Avenue is a calmed environment and parking is not intended to serve patrons the configuration of parking is considered

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vehicles per day. appropriate to meet the performance criteria.

P1 On-site turning may not be required if access is safe, efficient and convenient, having regard to all of the following:

- (a) avoidance of conflicts between users including vehicles, cyclists, dwelling occupants and pedestrians;
- (b) avoidance of unreasonable interference with the flow of traffic on adjoining roads;
- (c) suitability for the type and volume of traffic likely to be generated by the use or development;
- (d) ease of accessibility and recognition for users;
- (e) suitability of the location of the access point and the traffic volumes on the road.

E6.7.5 Layout of Parking Areas

Objective:

To ensure that parking areas for cars (including assessable parking spaces), motorcycles and bicycles are located, designed and constructed to enable safe, easy and efficient use.

Acceptable solution	Proposed
A1 The layout of car parking spaces, access aisles, circulation roadways and ramps must be designed and constructed to comply with section 2 "Design of Parking Modules, Circulation Roadways and Ramps" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking and must have sufficient headroom to comply with clause 5.3 "Headroom" of the same Standard.	The layout of the parking spaces have been designed in accordance with Australian Standards.

E6.7.6 Surface Treatment of Parking Areas

Objective:

To ensure that parking spaces and vehicle circulation roadways do not detract from the amenity of users, adjoining occupiers or the environment by preventing dust, mud and sediment transport.

Acceptable solution	Proposed
A1 Parking spaces and vehicle circulation roadways must be in accordance with all of the following; <ul style="list-style-type: none"> (a) paved or treated with a durable all-weather pavement where within 75m of a property boundary or a sealed roadway; (b) drained to an approved stormwater system, unless the road from which access is provided to the property is unsealed.	Parking areas will be sealed and drained to council's satisfaction. The proposed development is capable of complying with the acceptable solution.

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E6.7.7 Lighting of Parking Areas

Objective:

To ensure parking and vehicle circulation roadways and pedestrian paths used outside daylight hours are provided with lighting to a standard which:

- (a) enables easy and efficient use;
- (b) promotes the safety of users;
- (c) minimises opportunities for crime or anti-social behaviour; and
- (d) prevents unreasonable light overspill impacts.

Acceptable solution	Proposed
A1 Parking and vehicle circulation roadways and pedestrian paths serving 5 or more car parking spaces, ...	The proposed development serves 2 car parking spaces. This provision does not apply to the proposed development

E6.7.8 Landscaping of Parking Areas

Objective:

To ensure that large parking and circulation areas are landscaped to:

- (a) relieve the visual impact on the streetscape of large expanses of hard surfaces;
- (b) screen the boundary of car parking areas to soften the amenity impact on neighbouring properties;
- (c) contribute to the creation of vibrant and liveable places;
- (d) reduce opportunities for crime or anti-social behaviour by maintaining clear sightlines.

Acceptable solution	Proposed
A1 Landscaping of parking and circulation areas must be provided where more than 5 car parking spaces are proposed...	No landscaping of parking areas is required as only 2 parking spaces are provided. This provision does not apply.

E6.7.9 Design of Motorcycle Parking Areas

Objective:

To ensure that motorcycle parking areas are located, designed and constructed to enable safe, easy and efficient use.

Acceptable solution	Proposed
A1 The design of motorcycle parking areas must comply with all of the following:...	No motorcycle parking areas are required for this development. This provision does not apply.

E6.7.10 Design of Bicycle Parking Facilities

Objective:

To encourage cycling as a healthy and environmentally friendly mode of transport for commuter, shopping and recreational trips by providing secure, accessible and convenient bicycle parking spaces.

Acceptable solution	Proposed
A1 The design of bicycle parking facilities must comply with all the following;	As the application is for a change of use where the floor area is less than 500m ² no bicycle parking is required in accordance with Table

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- (a) be provided in accordance with the requirements of Table E6.2;
 (b) be located within 30 m of the main entrance to the building.

E6.2 (d). This provision does not apply.

E6.7.12 - Siting of Car Parking

Objective:

To ensure that the streetscape, amenity and character of urban areas is not adversely affected by siting of vehicle parking and access facilities.

Acceptable solution	Proposed
A1 Parking spaces and vehicle turning areas, including garages or covered parking areas in the Inner Residential Zone, Urban Mixed Use Zone, Village Zone, Local Business Zone and General Business Zone must be located behind the building line of buildings located or proposed on a site except if a parking area is already provided in front of the building line of a shopping centre.	The car parking spaces for the proposed development are located behind the building line. The proposal complies with the Acceptable solution.

E6.7.13 - Facilities for Commercial Vehicles

Objective:

To ensure that facilities for commercial vehicles are provided on site, as appropriate.

Acceptable solution	Proposed
A1 Commercial vehicle facilities for loading, unloading or manoeuvring must be provided on-site in accordance with Australian Standard for Off-street Parking, Part 2 : Commercial Vehicle Facilities AS 2890.2:2002, unless: (a) the delivery of all inward bound goods is by a single person from a vehicle parked in a dedicated loading zone within 50 m of the site; (b) the use is not primarily dependent on outward delivery of goods from the site.	The site does not include a loading zone and there is no on-site loading zone within 50m of the site. The proposal is to be considered in relation to the Performance Criteria. Commercial vehicle arrangements will not be changed from the existing condition. Deliveries are likely to be minimal and are able to occur via the 15min parking space at the frontage on Hampden Road.
P1 Commercial vehicle arrangements for loading, unloading or manoeuvring must not compromise the safety and convenience of vehicular traffic, cyclists, pedestrians and other road users.	

E6.7.14 - Access to a Road

Objective:

To ensure that access to the road network is provided appropriately

Acceptable solution	Proposed
A1 Access to a road must be in accordance with the requirements of the road authority.	The access will be in accordance with Council requirements.

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2.6 STORMWATER MANAGEMENT CODE

The following is an assessment of the proposal in relation to the relevant provisions of E7.0 Stormwater Code.

E7.7.1 Stormwater Drainage Disposal

Objective:

To ensure that stormwater quality and quantity is managed appropriately.

Acceptable solution	Proposed
A1 Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.	As indicated on the plans stormwater is capable of being disposed of to the public stormwater system compliant with the acceptable solution.
A2 A stormwater system for a new development must incorporate water sensitive urban design principles R1 for the treatment and disposal of stormwater if any of the following apply: (a) the size of new impervious area is more than 600 m ² ; (b) new car parking is provided for more than 6 cars; (c) a subdivision is for more than 5 lots.	This provision does not apply.
A3 A minor stormwater drainage system must be designed to comply with all of the following: (a) be able to accommodate a storm with an ARI of 20 years in the case of non-industrial zoned land and an ARI of 50 years in the case of industrial zoned land, when the land serviced by the system is fully developed; (b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure.	The on-site stormwater will be in accordance with the acceptable solution.

2.7 HISTORIC HERITAGE CODE

2.7.1 DEVELOPMENT STANDARDS FOR HERITAGE PLACE

The site is listed in Table E13.1 as a Heritage Place. The following addresses the relevant provisions:

E13.7.1 Building, Works and Demolition

Objective:

To ensure that demolition in whole or part of a heritage place does not result in the loss of historic cultural heritage values unless there are exceptional circumstances.

Acceptable solution	Proposed
A1 No acceptable solution	The proposal includes partial demolition and is required to be assessed in relation to the Performance Criteria.
P1 Demolition must not result in the loss of significant fabric, form, items, outbuildings or landscape elements that contribute to the historic cultural heritage significance of the	The proposed demolition is of extensions to the rear of the building, outbuildings and the fence. The removal of these elements and alterations have been undertaken to contribute to the

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place unless all of the following are satisfied;

(a) there are, environmental, social, economic or safety reasons of greater value to the community than the historic cultural heritage values of the place;

(b) there are no prudent and feasible alternatives;

(c) important structural or façade elements that can feasibly be retained and reused in a new structure, are to be retained;

(d) significant fabric is documented before demolition.

(a) there are, environmental, social, economic or safety reasons of greater value to the community than the historic cultural heritage values of the place;

(b) there are no prudent or feasible alternatives.

maintenance and improvement of the historic fabric of the original building.

E13.7.2 Building and Works other than Demolition

Objective:

To ensure that development at a heritage place is:

(a) undertaken in a sympathetic manner which does not cause loss of historic cultural heritage significance; and

(b) designed to be subservient to the historic cultural heritage values of the place and responsive to its dominant characteristics.

Acceptable solution	Proposed
<p>A1 No Acceptable Solution.</p> <p>P1 Development must not result in any of the following:</p> <p>(a) loss of historic cultural heritage significance to the place through incompatible design, including in height, scale, bulk, form, fenestration, siting, materials, colours and finishes;</p> <p>(b) substantial diminution of the historic cultural heritage significance of the place through loss of significant streetscape elements including plants, trees, fences, walls, paths, outbuildings and other items that contribute to the significance of the place.</p>	<p>The proposal is required to be assessed in relation to the Performance Criteria.</p> <p>The proposal does not impact on the significant external fabric of the place, as works are predominantly internal or where existing outbuildings are located.</p>
<p>A2 No Acceptable Solution.</p> <p>P2 Development must be designed to be subservient and complementary to the place through characteristics including:</p> <p>(a) scale and bulk, materials, built form and fenestration;</p> <p>(b) setback from frontage;</p> <p>(c) siting with respect to buildings, structures</p>	<p>The proposal is required to be assessed in relation to the Performance Criteria.</p> <p>The proposal is for internal works to the existing building and will not impact on the values of the place.</p>

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and listed elements;

(d) using less dominant materials and colours.

A3 No Acceptable Solution.

No changes are proposed to the external fabric, this provision is not applicable.

P3 Materials, built form and fenestration must respond to the dominant heritage characteristics of the place, but any new fabric should be readily identifiable as such.

A4 No Acceptable Solution.

No extensions are proposed, this provision is not applicable.

P4 Extensions to existing buildings must not detract from the historic cultural heritage significance of the place.

A5 New front fences and gates must accord with original design, based on photographic, archaeological or other historical evidence.

Alterations include a gate in the existing fence on the frontage to Stowell Avenue are consistent with the existing fence. The gate has not been designed in accordance with any other evidence than what currently exists on the site.

P5 New front fences and gates must be sympathetic in design, (including height, form, scale and materials), to the style, period and characteristics of the building to which they belong.

A6 Areas of landscaping between a dwelling and the street must be retained.

The site is located on a corner lot and will require removal of some landscaping at the rear of the building. It is intended that landscaping is replaced in this area and there will be no loss of any elements that contribute to the significance of the place.

P6 The removal of areas of landscaping between a dwelling and the street must not result in the loss of elements of landscaping that contribute to the historic cultural significance of the place.

2.7.2 HERITAGE PRECINCT

The site is located in the Heritage Precinct BP1 - Battery Point. The Statement of Historic Cultural Heritage Significance for the precinct from Table E13.2 Heritage Precincts is as follows:

This precinct is significant for reasons including:

- 1. The wide variety of architectural styles and historic features ranging from entire streets of 19th century Colonial Georgian cottages, to Victorian, Edwardian and Pre and Post War examples of single and attached houses that are of historic and architectural merit, many of which demonstrate housing prior to mass car ownership.*
- 2. It is primarily a residential area with a mix of large substantial homes and smaller workers cottages on separate lots, gardens, an unstructured street layout, and lot sizes that show successive re-subdivision into narrow lots that demonstrate early settlement patterns of Hobart.*
- 3. The original and/or significant external detailing, finishes and materials demonstrating a high degree of integrity with a homogenous historic character.*

The relevant standards that apply to the precinct are addressed below.

E13.8.1 Demolition

Objective:

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To ensure that demolition in whole or in part of buildings or works within a heritage precinct does not result in the loss of historic cultural heritage values unless there are exceptional circumstances.

Acceptable solution	Proposed
<p>A1 No acceptable solution</p> <p>P1 Demolition must not result in the loss of any of the following:</p> <p>(a) buildings or works that contribute to the historic cultural heritage significance of the precinct;</p> <p>(b) fabric or landscape elements, including plants, trees, fences, paths, outbuildings and other items, that contribute to the historic cultural heritage significance of the precinct;</p> <p>unless all of the following apply;</p> <p>(i) there are, environmental, social, economic or safety reasons of greater value to the community than the historic cultural heritage values of the place;</p> <p>(ii) there are no prudent or feasible alternatives;</p> <p>(iii) opportunity is created for a replacement building that will be more complementary to the heritage values of the precinct.</p>	<p>The proposal includes partial demolition and is required to be assessed in relation to the Performance Criteria.</p> <p>The proposed demolition is of extensions to the rear of the building, outbuildings and the fence. The demolition to occur is not considered to substantially contribute to the significance of the precinct. The works improve the frontage of the building to Stowell Avenue and is complementary to the values of the precinct</p>

The buildings and works are consistent with the existing heritage building fabric and will not result in any impacts that are required to be assessed by E13.8.2 Building and works other than Demolition.

E13.8.4 Building and works in Heritage Precinct BP1

Objective:

To ensure that development undertaken within Heritage Precinct BP1 is sympathetic to the character of the precinct.

Acceptable solution	Proposed
<p>A1 Site area per dwelling unit in Heritage Precinct BP1 must be not less than 350m².</p>	<p>There is an existing dwelling on the site. The proposed development does not change the existing site condition in relation to this provision and therefore it does not apply.</p>
<p>A2 No acceptable solution.</p> <p>P2 Buildings should be close to the street frontage except where the prevailing setback on the same side of the street is substantial, in which case the setback shall conform to the general building line.</p>	<p>The proposal is required to be assessed in relation to the Performance Criteria.</p> <p>The proposed development is consistent with the existing building line.</p>
<p>A3</p> <p>Building height (not including the basement or attic floor space with dormer windows) must not be greater than two storeys, or one storey if most buildings on the same side of the street in the immediate vicinity are</p>	<p>The proposed building height is two storey as per the existing building.</p>

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<i>single storey.</i>	
<p>A4 No acceptable solution.</p> <p><i>P4 Where reasonable and practicable, a dwelling must substantially occupy the width of the frontage of a lot, except where the prevailing setbacks from side boundaries on the same side of the street are substantial and not so as to exclude a driveway or car parking at the side of the building.</i></p>	<p>The proposal is required to be assessed in relation to the Performance Criteria.</p> <p>The dwelling occupies a substantial amount of the frontage of the site to Stowell Avenue whilst still providing for parking areas at the side. The proposal complies with the Performance Criteria.</p>
<p>A5 The rear setback of the principal building must be at least:</p> <p>(a) 6 m for lots of up to 14 m in width;</p> <p>(b) 5 m for lots greater than 14 m in width.</p>	<p>The frontage of the site to Hampden Road is less than 14m, the rear setback exceeds 5m, the proposal complies with the acceptable solution for (b).</p>
<p>A6 A site where the principal building, excluding the basement, in part or whole is:</p> <p>(a) not more than one storey in height, or one storey comprising attic floor space with dormer windows, must have a site coverage of not more than 50%;</p> <p>(b) two or more storeys must have a site coverage of not more than 40%.</p>	<p>The proposed demolition will reduce the overall site coverage of the proposed development.</p>
<p>A7 No acceptable solution.</p> <p><i>P7 Land directly between a dwelling and the street shall not be designed or paved or used for the manoeuvring or parking of vehicles except to gain access.</i></p>	<p>The proposal is required to be assessed in relation to the Performance Criteria.</p> <p>Parking is situated at the rear of the building behind the line of the dwelling and the street.</p>
<p>A8 No acceptable solution.</p> <p><i>P8 Each lot must have not more than one crossing over the footpath per frontage and have a maximum width of 3 m unless it can be demonstrated that the crossing and its width is essential and will:</i></p> <p>(a) not detract from the historic cultural heritage significance of the precinct;</p> <p>(b) provide a net benefit in parking quantum taking into account any loss in on-street parking required to facilitate the additional or wider access.</p>	<p>The proposal is required to be assessed in relation to the Performance Criteria.</p> <p>Only one vehicle crossing is provided on to the site the width of the crossing is to provide safe access to the site and will not detract from the heritage significance of the precinct as a gate and fence is provided complimentary to the streetscape.</p> <p>Parking is not situated on only the other side of the street so it will not result in the loss of on-street parking.</p>
<p>A9 Maximum of 1 parking space per dwelling.</p>	<p>Two parking spaces are provided. At least one of these is for the use of the commercial activities downstairs. The proposal complies with the acceptable solution.</p>

2.8 SIGNS CODE

No signage is proposed as part of this application.

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3. CONCLUSION

The proposed development is for internal alterations and demolition of minor structures to the building at 95 Hampden Road to the existing dwelling and for a small restaurant. The development will include additional parking at the rear of the development site. The building is currently used for the non-residential use of a shop, the proposed change of use will be consistent with the existing activities on the site as providing a variety of uses compatible with the area.

Discretion is required in relation to the use standards of the zone for use of the land for food services, and 11.3.1 for hours of operation. Discretion is also required for a number of development standards including 11.4.3 P2 for open space, and 11.4.7 frontage fences. These variations to the Acceptable Solutions are existing variations or will result in no greater loss of amenity to the area than the existing development and activities on the site.

The new vehicle access to provide off street car parking will require discretion for a number of provisions in the Road and Railway Asset Code as a new access will be created. The parking that is created is generally in accordance with the requirements of the Parking and Access Code, however due to the site constraints no-on street turning is provided, the number of vehicle parking spaces, and consistent with the existing site conditions no commercial vehicle parking is provided.

The site is a heritage listed place and is within the Battery Point Heritage Precinct. The proposed works are located at the rear of the building and have been will have limited impact on the original building fabric.

Overall, the development is considered to be in accordance with the purpose of the zone and has been designed to satisfy the provisions of the various applicable codes.

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APPENDIX A - TITLES

VOLUME	FOLIO
113294	1
EDITION	DATE OF ISSUE
3	15-May-2015

SEARCH DATE : 04-Sep-2015

SEARCH TIME : 02.00 PM

DESCRIPTION OF LAND

City of HOBART

Lot 1 on Plan 113294

Being the land described in Conveyance 55/6851

Derivation : Part of 8 acres 1 rood 9 perches granted to John Montagu

Derived from A15271

SCHEDULE 1

M516206 TRANSFER to VICKI LEE SHARP and PETER MICHAEL SHARP (jointly as between themselves) of two undivided 1/3 shares and GREGORY JOHN HURD of one undivided 1/3 share as tenants in common Registered 15-May-2015 at noon

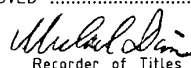
SCHEDULE 2

Reservations and conditions in the Crown Grant if any

E5452 MORTGAGE to Australia and New Zealand Banking Group Limited Registered 15-May-2015 at 12.01 PM

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

FILE NUMBER A.15271 GRANTEE PART OF 8A.1R.9P. GTD. TO JOHN MONTAGU		CONVERSION PLAN LOCATION CITY OF HOBART (SEC. W3) CONVERTED FROM 55/6851 NOT TO SCALE LENGTHS IN METRES		REGISTERED NUMBER P113294 APPROVED - 6 OCT 1994  Recorder of Titles
MAPSHEET MUNICIPAL CODE No. 21	LAST UPI No.	ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN	DRAWN MC	

SKETCH BY WAY OF ILLUSTRATION ONLY

"EXCEPTED LANDS"

